

**Ashley M. Gjovik, JD**

*Pro Se Plaintiff*

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**Case No. 3:23-cv-04597-EMC**

**Filed:** September 7 2023

**District Judge:** Honorable Edward M. Chen

**ASHLEY GJOVIK, an individual,**

Plaintiff,

v.

**APPLE INC, a corporation,**

Defendant.

**MOTION FOR JUDICIAL NOTICE**

**Hearing**

Dept: Courtroom 5, 17th Floor (Virtual)

Date: February 8, 2024 1:30 p.m.

*Plaintiff Does Not Require Oral Arguments*

*Concurrent with:*

*Defendant's Motion to Dismiss (Doc #30)*

*P's Opposition to Motion to Dismiss (Doc #33)*

**Motion for Judicial Notice Cover Page: Exhibit**

**3250 Scott Blvd Santa Clara California**

***Declaration:*** I verified the authenticity of each of these documents. A true and correction version of each document is attached in each exhibit. I declare under penalty of perjury this is true and correction. /s/ Ashley M. Gjovik (December 25 2023).

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

California EPA CERS Registry (Public)

# Site Report

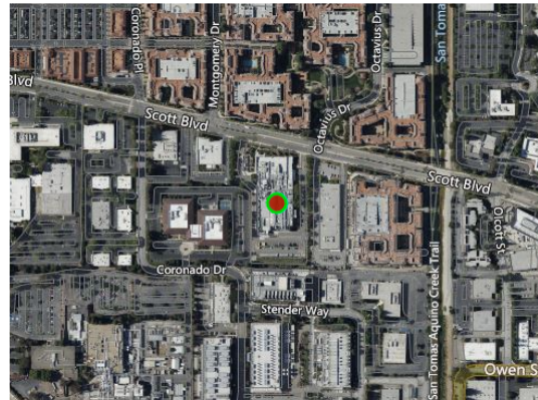
Apple, Inc. (Scott 1)



**3250 SCOTT BLVD  
SANTA CLARA, CA 95054**

**County** Santa Clara County

**CalEnviroscreen 4.0 Percentile Range** >50 - 60



## SIC Codes

**8731** Commercial physical research

## NAICS Codes

## Alternate IDs

**Dun & Bradstreet Number** 060704780

**Facilities Explorer ID** 385316

**Facility Identifier** 43-010-201509

**EPA Identifier** CAR000278176

## Regulatory Programs

Description	Source System	Program Id	Start Date	End Date
Aboveground Petroleum Storage	California Environmental Reporting System	10633816	06/22/2015	
Hazardous Chemical Management	California Environmental Reporting System	10633816	06/22/2015	
Chemical Storage Facilities	California Environmental Reporting System	10633816	06/22/2015	
Hazardous Waste Generator	California Environmental Reporting System	10633816	06/22/2015	
Hazardous Waste Onsite Treatment	California Environmental Reporting System	10633816	06/22/2015	

Description	Source System	Program Id	Start Date	End Date
RCRA LQ HW Generator	California Environmental Reporting System	10633816	06/22/2015	

## Site Contacts

Name	Title	Phone	Address
APPLE INC (SANTA CLARA)			
Apple, Inc.		(408) 996-1010	One Apple Park Way, M/S 319-5EHS Cupertino, CA 95014
BSI			
Emmanuel Mulenga	Senior EHS Engineer		
Kalil Jenab		(408) 810-3428	108 Sylvian Way Los Altos, CA 94022
Linda Knudsen	Sunnyvale Site EHS Manager		
Mailing Address			One Apple Park Way, M/S 319-5EHS Cupertino, CA 95014
Santa Clara City Fire Dept		(408) 615-4970	1675 Lincoln Street Santa Clara, CA 95050
Tom Huynh	SPG EHS Lead		One Apple Park Way, M/S 319-5EHS Cupertino, CA 95014

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

City Fire Code / Haz Mat Violations

# Santa Clara Fire Department

Outstanding Fire Code Violations  
3250 SCOTT BLVD  
For the period 1/1/2010 to 1/31/2023.

**BL #      DBA                                      Address                                      Last Inspection Date                                      Phone**

**201509    Apple Inc                                      3250 SCOTT BLVD                                      12/23/2020                                      (408) 974-2183**

	INSP. DATE	STATUS	DATE CORRECTED	INSPECTOR
0064. Provide 5-year service certification for fire sprinkler/standpipe system.	12/23/2020	Outstanding		Dhillon
0078. Fire alarm systems shall be tested on an annual basis. Records shall be maintained on site.		Outstanding		Dhillon
0082. Provide inspection, testing, and maintenance records for fire, life safety, hazmat systems as noted. <i>Note: Annual test report for emergency alarm</i>		Outstanding		Dhillon
3010002 - Hazardous Waste Generator: Identification Number <i>Note: Facility has two IDs, inactivate the ID not currently in use and provide documentation for reason on keeping two different IDs</i>	10/13/2020	Corrected	11/16/2020	Dhillon
1010004 - Hazardous Materials Inventory - Failure to electronically submit complete and accurate hazardous material inventory information for all hazardous materials on site at or above reportable quantities. HSC 6.95 25505(a)(1), 25506, 25508(a)(1), 25508(a)(3) (Minor) <i>Note: Provide correct inventory with corrected reporting measurements - 1700 gallons Diesel Is missing, Argon is reported in pounds, zero amount of chlorine reported; update chemical inventory on CERS with corrected list and amounts of chemicals on site.</i>		Corrected	12/23/2020	Dhillon
2405 HSC 25200.3(f) (CA), HSC 25201.5(d)(7)(A), CCR 67450.2(b)(3)(B) Plot plan correctly shows unit locations. <i>Note: Plot plan does not show location of FTU-01 and FTU-02, also plot plan labeling is not readable</i>		Corrected	11/16/2020	Dhillon
2502 H&SC 25270.4.5(a) Facility owner/operator shall implement SPCC Plan element(s). [ref. CFR 112.3]		Corrected	11/13/2020	Dhillon
2517 HSC 25270.6(a)(1) or (2) Failed to file tank facility statement or business plan. <i>Note: Last submittal on 5/18/18, submit details on CERS within 30 days.</i>		Corrected	11/16/2020	Dhillon
2528 HSC 25270.12(a) 25270.4.5(a) SPCC Plan shall include training program (40 CFR 112.7(f)) <i>Note: Provide training record for tank inspection personnel</i>		Corrected	10/21/2020	Dhillon
2529 HSC 25270.12(a), 25270.4.5(a) Records of inspections or tests not signed by supervisor or inspector (40 CFR 112.7(e))		Corrected	10/13/2020	Dhillon
2547 Failed to conduct annual spill prevention briefings (40 CFR 112.7(f)(3)) <i>Note: Provide record of annual briefing (not available on site)</i>		Corrected	10/21/2020	Dhillon

BL # DBA

Address

Last Inspection Date

Phone

0007. A valid business license/operational fire permit must be obtained within 30-days of this notice. To obtain your permit contact City of Santa Clara, Finance Department (408) 615-2310.

*Note: Building 3260 Scott requires a business lic,*

1/31/2020

Corrected

2/19/2020

Dhillon

2499 Other violations

*Note: 2401 add the diversion tank to the AWN on CERS as tank 5.*

8/24/2016

Corrected

10/13/2020

Brazil

13. Fire sprinkler systems are required to be inspected on a quarterly basis. Records shall be maintained on site for five years.

2599 Other CalAPSA Violation. (see notes)

Corrected

12/23/2020

Brazil

Corrected

10/13/2020

Brazil

*Note: Update the contact list*

FP See Attached List.

Corrected

12/23/2020

Brazil

1010017 - Business plan readily available - Failure to have a business plan readily available to personnel of the business or the unified program facility with responsibilities for emergency response or training. HSC 6.95 25505(c) (Minor)

Outstanding

Brazil

*Note: 1804*

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

2016 - RMP



**City of  
Santa Clara**  
The Center of What's Possible

**Fire Department  
Fire Prevention and  
Hazardous Materials  
Division**

1675 Lincoln Street,  
Santa Clara, CA 95050

Phone (408) 615-4970  
Fax (408) 241-3006  
[www.santaclaraca.gov](http://www.santaclaraca.gov)

## **CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM**

### **Public Notice**

**Date of Notice: February 19, 2016**

This notice is issued as part of the public review process for RMPs, in accordance with the California Code of Regulations (CCR), Title 19 Division 2 Chapter 4.5 Article 3 Section 2745.2.

The City of Santa Clara Fire Department is the Administering Agency for the California Accidental Release Prevention (CalARP) Program. CalARP regulations requires companies with certain regulated chemicals above a reporting threshold to submit a Risk Management Plan (RMP) to the County for review.

Upon determination that an RMP is complete, a public notice will be provided so that the RMP is available for a 45 day public comment.

The following company has submitted an RMP that has been reviewed and is considered complete. The RMP will be available for public review/comment at the City of Santa Clara Fire Department – Fire Prevention and Hazardous Materials Division located at 1675 Lincoln Street, Santa Clara, CA 95050 for the next 45 days.

If you would like to review a RMP, please contact Soulmaz Brazil at (408) 615-4963.

**Submitted RMP:**


Apple Inc., 3250 Scott Blvd., Santa Clara, CA 95054

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

US EPA  
TRI Filing & Public Report  
2020 - NMP

 An official website of the United States government

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Search EPA.gov

Related Topics: Envirofacts <../>

CONTACT US <<https://www.epa.gov/enviro/forms/contact-us-about-envirofacts>>

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FORM R REPORTS

<< Return

Document Control Number Beginning with: 1320219310885  
Reporting Year Selected: 2020  
Search Executed On: FEB-27-2023  
Results are based on data extracted on: OCT-19-2022

Reference Point/Description	Latitude	Longitude	Collection Method	Accuracy Value
N/A	N/A	N/A	N/A	N/A

RCRA ID NUMBER
NO DATA

**NPDES PERMIT NUMBER**

NO DATA

**UIC ID NUMBER**

NO DATA

To correct the FRS latitude, longitude or program ID values click on the "Report an Error" button in the top right corner of this page. Facilities wishing to correct other data elements with the FORM R or FORM A should refer to the related TRI-MEweb tutorial <<https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms#q3>>.

For more information, see *Collection of Latitude, Longitude and Program ID Data Has Been Discontinued* <<http://www.epa.gov/enviro/tri-discontinued-latitude-and-longitude>>.

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## **PART I. FACILITY IDENTIFICATION INFORMATION**

DOCUMENT CONTROL NUMBER: 1320219310885

 Facility Registry System ID:

### **Section 1. Reporting Year**

Reporting Year: 2020

### **Section 2. Trade Secret Information**

**2.1** Trade Secret: NO

**2.2** Sanitized Copy: Unsanitized

**Section 3. Certification**

CERTIFYING OFFICIAL'S NAME	CERTIFYING OFFICIAL'S TITLE	CERTIFYING OFFICIAL'S SIGNATURE	DATE SIGNED
SUSAN CREIGHTON	GLOBAL RESEARCH EHS MANAGER	Electronic	30-JUN-21

**Section 4. Facility Identification**

TRI Facility ID: 95051NTRSL3250S

**4.1 Facility Name and Address**

Facility Information

NAME	STREET	CITY	COUNTY	STATE	ZIP CODE
APPLE INC	3250 SCOTT BLVD	SANTA CLARA	SANTA CLARA	CA	95054

BIA Tribal Code	Tribe
NO DATA	NO DATA

Mailing Information

NAME	STREET	CITY	STATE	ZIP CODE
APPLE INC - SB01	3250 SCOTT BLVD.	SANTA CLARA	CA	95051

PROVINCE	COUNTRY (NON - US)
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	UNITED STATES
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#### 4.2 Facility Classification

ENTIRE FACILITY	PARTIAL FACILITY	FEDERAL FACILITY	GOCO FACILITY
YES	NO	NO	NO

#### 4.3 Technical Contact

Not Available to the Public as this information is only for Intranet.

#### 4.4 Public Contact

NAME	PHONE	EXTENSION
TOM HUYNH	4085950947	No Data

#### 4.5 NAICS Codes

NAICS CODE	PRIMARY	NAICS CODE DESCRIPTION
334111	YES	Electronic Computer Manufacturing

#### 4.7 Dun Numbers

DUNS NUMBER
060704780

**5. Parent Company Information**

Parent Company Name: No US Parent Company

Parent Company DUNS Number:

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**PART II. CHEMICAL - SPECIFIC INFORMATION**

DOCUMENT CONTROL NUMBER: 1320219310885

**Section 1. Toxic Chemical Identity****1.1** CAS Number: 872-50-4 PFAS Indicator: NO**1.2** Toxic Chemical or Chemical Category Name: N-Methyl-2-pyrrolidone**1.3** Generic Chemical Name: NA**1.4** Distribution of Each Member of the Dioxin and Dioxin like Compounds Category

NA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
NO																	

**Section 2. Mixture Component Identity****2.1** Supplier Provided Generic Chemical Name: NA**Section 3. Activities and Uses of the Toxic Chemical****3.1** Manufacture the Toxic Chemical:

Produce: NO	Import: NO	On-Site Use/Processing: NO
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Sale/Distribution: NO	Byproduct: NO	Impurity: NO
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**3.2 Process the Toxic Chemical:**

Reactant:	NO
Formulation Component:	NO
Article Component:	NO
Repackaging:	NO
Impurity:	NO
Recycling:	NO

**3.3 Otherwise Use the Toxic Chemical:**

Chemical Processing Aid:	NO
Manufacturing Aid:	NO
Ancillary or Other Use:	YES

Sub-Uses:

Z301	Cleaner
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**Section 4. Maximum Amount of the Toxic Chemical Onsite During the Calendar Year**

Maximum Chemical Amount: 1000 to 9999

## Section 5. Quantity of the Toxic Chemical Entering each Environmental Medium Onsite

### 5.1 Fugitive or Non-Point Air Emissions

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

### 5.2 Stack or Point Air Emissions

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
NO	260.17	Pounds	E2 - Emission Factor, Site-specific

### 5.3 Discharges to Receiving Streams or Water Bodies

NA	STREAM/WATER BODY NAME	REACH Code	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE	% FROM STORMWATER
YES	NA					

### 5.4-5.5 Disposal to Land Onsite

#### 5.4.1 Underground Injection Onsite to Class I Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

**5.4.2** Underground Injection Onsite to Class II-V Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

**5.5 Disposal to Land Onsite****5.5.1A** RCRA Subtitle C Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

**5.5.1B** Other Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

**5.5.2** Land Treatment/Application Farming

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

**5.5.3A** RCRA Subtitle C Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
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YES			
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**5.5.3B Other Surface Impoundments**

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

**5.5.4 Other Disposal**

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

**Optional Waste Rock Piles Information**

Section 5.5 quantities include "waste rock piles":	NO
Quantity of "waste rock piles" (pounds/year*):	

\*For Dioxin and Dioxin-like Compounds, report in grams/year

**Section 6. Transfers of the Toxic Chemical in Wastes to Off-Site Locations****6.1 Discharges to Publicly Owned Treatment Works (POTWs)**

1 - NAME:	ADDRESS:
CITY:	STATE:

COUNTY:	ZIP CODE:
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POTW AMOUNT SEQUENCE	TOTAL TRANSFERS (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE	WASTE MANAGEMENT TYPE
NO DATA	NO DATA		NO DATA	NO DATA

## 6.2 Transfers to other Off-Site Locations

<b>1</b> RCRA Number: UTD981552177	Parent Company Controlled: NO
Name: CLEAN HARBORS ARAGONITE, LLC	Address: 11600 N APTUS ROAD
City: ARAGONITE	State: UT
County: TOOELE	Zip Code: 84029
Country Code (Non - US):	Province:

OFFSITE AMOUNT SEQUENCE	TOTAL TRANSFERS (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE	WASTE MANAGEMENT TYPE
1	7802	Pounds	C - Mass Balance Calculations	M50 - Incineration/Thermal Treatment

<b>2</b> RCRA Number: CAD008302903	Parent Company Controlled: NO
Name: VEOLIA ES TECHNICAL SOLUTIONS LLC	Address: 1704 W FIRST ST

City: AZUSA	State: CA
County: LOS ANGELES	Zip Code: 91702
Country Code (Non - US):	Province:

OFFSITE AMOUNT SEQUENCE	TOTAL TRANSFERS (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE	WASTE MANAGEMENT TYPE
1	3787.48	Pounds	C - Mass Balance Calculations	M95 - Transfer to Waste Broker- Waste Treatment

<b>3</b> RCRA Number: ARD069748192	Parent Company Controlled: NO
Name: CLEAN HARBORS EL DORADO, LLC	Address: 309 AMERICAN CIRCLE
City: EL DORADO	State: AR
County: UNION	Zip Code: 71730
Country Code (Non - US):	Province:

OFFSITE AMOUNT SEQUENCE	TOTAL TRANSFERS (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE	WASTE MANAGEMENT TYPE
1	3153.34	Pounds	C - Mass Balance Calculations	M50 - Incineration/Thermal Treatment

#### Section 7A. On-Site Waste Treatment Methods and Efficiency

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**7A.1a.** Waste Stream: GASEOUS

<b>7A.1b.</b>	<b>WASTE TREATMENT METHOD(S) SEQUENCE</b>
<b>1</b>	A04 - ABSORBER

**7A.1d.** Waste Treatment Efficiency Estimate: Greater than 50% but less than or equal to 95%

### Section 7B. On-Site Energy Recovery Processes

<b>ON SITE ENERGY RECOVERY PROCESSES</b>
NA

### Section 7C. On-Site Recycling Processes

<b>ON SITE RECYCLING PROCESSES</b>
NA

### Section 8. Source Reduction and Recycling Activities

<b>SECTION</b>	<b>TYPE OF QUANTITY</b>	<b>UNITS</b>	<b>PRIOR YEAR</b>	<b>CURRENT REPORTING YEAR</b>	<b>FOLLOWING YEAR</b>	<b>SECOND FOLLOWING YEAR</b>
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<b>8.1a</b>	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
<b>8.1b</b>	Total other on-site disposal or other releases	Pounds	NA	260.17	260.17	260.17
<b>8.1c</b>	Total off-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
<b>8.1d</b>	Total other off-site disposal or other releases		NA	NA	NA	NA
<b>8.2</b>	Quantity Used for Energy Recovery Onsite		NA	NA	NA	NA
<b>8.3</b>	Quantity Used for Energy Recovery Offsite		NA	NA	NA	NA
<b>8.4</b>	Quantity Recycled Onsite		NA	NA	NA	NA
<b>8.5</b>	Quantity Recycled Offsite		NA	NA	NA	NA
<b>8.6</b>	Quantity Treated Onsite	Pounds	NA	2341.51	2341.51	2341.51
<b>8.7</b>	Quantity Treated Offsite	Pounds	NA	14742.82	14742.82	14742.82

**8.8** One-Time Event Release: NA

8.9 Production Ratio ☐ or Activity Ratio ☒:

8.10 Source Reduction Activities

SOURCE REDUCTION ACTIVITIES	METHOD 1	METHOD 2	METHOD 3	ESTIMATED ANNUAL REDUCTION
NA				

8.11 Additional Data Indicator: NO

No Data Found

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Data Refresh Information

<<https://epa.gov/resources/echo-data/about-the-data#sources>>

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**MOTION FOR JUDICIAL NOTICE  
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**SECTION:**

US EPA Air Pollutant Filings and Report

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# Air Pollutant Report

## Facility Summary

**MICREL SYNERGY SEMICONDUCTOR**

**3250 SCOTT BOULEVARD, SANTA CLARA, CA 95054**

### Facility Information (FRS)

FRS ID: 110001168254

EPA Region: 09

Latitude: 37.37963

Longitude: -121.9717

Locational Data Source: FRS

Industry: Electronic Computer

Manufacturing, Semiconductor and  
Related Device Manufacturing

ICIS-Air Source ID:

ICIS-Air Facility Status: No  
Information

### Air Monitors Located within 5km

No Information

### Emission Inventories

☒ National Emissions

Inventory (NEI):

1278911, 19490911

☒ Greenhouse Gas Reporting  
Program (GHGRP):

No Information

☒ Toxics Release Inventory  
(TRI):


95051NTRSL3250S,

9505WSBXXX325SC

☒ Clean Air Markets Division  
(CAMD):

No Information

### Related Reports





 Detailed Facility Report  
Search for Excess Emission  
Reports  
Search for Spills

## Emissions




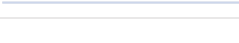


 Please read important information about emissions data sources and reported values

<https://echo.epa.gov/air-pollutant-report?fid=110001168254>

# Total Aggregate Emissions Data

Program	Pollutant	Units	Trend	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
NEI	Total CAPs	Pounds									16,083.62		
NEI	Total HAPs	Pounds									.82		
NEI	Total VOCs	Pounds									15,607.90		
TRI	TRI Air Toxics	Pounds									260.17		

## Emissions Data

Program	Pollutant Type	Pollutant	Units	Trend	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Acetaldehyde	Pounds									.01		
NEI	HAP (Hazardous air pollutant)	Arsenic	Pounds									.00		
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Benz[a]anthracene	Pounds									.00		
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Benzene	Pounds									.68		
NEI	HAP (Hazardous air pollutant)	Beryllium	Pounds									.00		
NEI	HAP (Hazardous air pollutant)	Cadmium	Pounds									.00		
NEI	CAP (Criteria air pollutant)	Carbon monoxide	Pounds									86.54		
NEI	HAP (Hazardous air pollutant)	Chromium(VI)	Pounds									.00		
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Chrysene	Pounds									.00		
NEI	Other	Elemental Carbon portion of PM2.5-PRI	Pounds									2.25		
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Fluoranthene	Pounds									.00		
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Formaldehyde	Pounds									.09		
NEI	CAP (Criteria air pollutant)	Lead	Pounds									.00		
NEI	HAP (Hazardous air pollutant)	Manganese	Pounds									.00		
NEI	HAP (Hazardous air pollutant)	Mercury	Pounds									.00		
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Naphthalene	Pounds									.00		
NEI	HAP (Hazardous air pollutant)	Nickel	Pounds									.02		
NEI	Other	Nitrate portion of PM2.5-PRI	Pounds									.04		
NEI	CAP (Criteria air pollutant)	Nitrogen oxides	Pounds									372.34		
NEI	Other	Organic Carbon portion of PM2.5-PRI	Pounds									1.04		
NEI	CAP (Criteria air pollutant)	Primary PM10, filterable portion only	Pounds									3.18		
NEI	CAP (Criteria air pollutant)	Primary PM10 (filterables and condensibles)	Pounds									4.34		

Program	Pollutant Type	Pollutant	Units	Trend	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
NEI	CAP (Criteria air pollutant)	Primary PM2.5, filterable portion only	Pounds									3.06		
NEI	CAP (Criteria air pollutant)	Primary PM2.5 (filterables and condensibles)	Pounds									4.21		
NEI	CAP (Criteria air pollutant)	Primary PM condensible portion, less than 1 micron	Pounds									1.16		
NEI	Other	Remaining PMFINE portion of PM2.5-PR1	Pounds									.67		
NEI	Other	Sulfate Portion of PM2.5-PR1	Pounds									.21		
NEI	CAP (Criteria air pollutant)	Sulfur dioxide	Pounds									.90		
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Toluene	Pounds									.00		
NEI	CAP (Criteria air pollutant)/VOC (Volatile organic compound)	Volatile organic compounds	Pounds									15,607.90		
NEI	HAP (Hazardous air pollutant)/VOC (Volatile organic compound)	Xylene	Pounds									.00		
TRI		N-Methyl-2-pyrrolidone	Pounds									260.17		

The Air Pollutant Report presents ten years of EPA air emissions data from the National Emissions Inventory (NEI), Greenhouse Gas Reporting Program, Toxics Release Inventory, and Clean Air Markets Programs for a selected facility. Emissions are presented by pollutant for each program and each year that values are available. Each of these programs is governed by a different regulatory authority and performs a distinct function. The NEI program includes both facility-reported and government-augmented emissions, while the other programs include exclusively emissions reported by facilities. While each program is distinct, there is some overlap in pollutants covered by the different programs. Where the same pollutant exists in multiple programs, the Air Pollutant Report will list each program's emissions estimates. Emissions values reported under multiple programs are not exclusive and should not be added together. Due to programmatic differences in calculation methods and how "facility" is defined, there may be significant discrepancies in emissions values between programs. By consolidating emissions data from four different EPA programs into one report, the Air Pollutant Report provides a single source for users looking to understand a facility's full suite of pollutants and the range of possible emissions associated with a given pollutant depending on the emissions program.

## Environmental Conditions


### Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
Ozone	Yes	1-Hour Ozone (1979); 8-Hour Ozone (1997); 8-Hour Ozone (2008); 8-Hour Ozone (2015)	No	
Lead	No		No	
Particulate Matter	Yes	PM-2.5 (2006)	No	
Carbon Monoxide	No		Yes	Carbon Monoxide (1971)
Sulfur Dioxide	No		No	

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**  
  
US EPA ECHO Report

 An official website of the United States government

Search EPA.gov



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# Detailed Facility Report



# Detailed Facility Report

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## Facility Summary

**MICREL SYNERGY SEMICONDUCTOR**

**3250 SCOTT BOULEVARD, SANTA CLARA, CA 95054**

<https://echo.epa.gov/detailed-facility-report?fid=110001168254>

**FRS (Facility Registry Service) ID:** 110001168254**EPA Region:** 09**Latitude:** 37.37963**Longitude:** -121.9717**Locational Data Source:** FRS**Industries:** Computer and Electronic Product Manufacturing**Indian Country:** N

## Enforcement and Compliance Summary

Statute	CAA
Compliance Monitoring Activities (5 years)	--
Date of Last Compliance Monitoring Activity	--
Compliance Status	--
Qtrs in Noncompliance (of 12)	--
Qtrs with Significant Violation	--
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Statute	RCRA
Compliance Monitoring Activities (5 years)	3
Date of Last Compliance Monitoring Activity	08/17/2023
Compliance Status	No Violation Identified
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

## Regulatory Information

**Clean Air Act (CAA):** No Information

**Clean Water Act (CWA):** No Information

**Resource Conservation and Recovery Act (RCRA):** Inactive Other, (CAT000623983), Active LQG, (CAR000278176)

**Safe Drinking Water Act (SDWA):** No Information

Go To Enforcement/Compliance Details

Known Data Problems <<https://epa.gov/resources/echo-data/known-data-problems>>

## Other Regulatory Reports

**Air Emissions Inventory (EIS):** 19490911, 1278911

**Greenhouse Gas Emissions (eGGRT):** No Information

**Toxic Releases (TRI):** 95051NTRSL3250S

**Compliance and Emissions Data Reporting Interface (CEDRI):** No Information

## Facility/System Characteristics

<https://echo.epa.gov/detailed-facility-report?fid=110001168254>

## Facility/System Characteristics

System	Status	Identifier	Universe	Status	Area	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110001168254					N	37.37963	-121.9717
EIS	CAA	19490911					N		
EIS	CAA	1278911					N	37.37912	-121.97187
TRI	EP313	95051NTRSL3250S	Toxics Release Inventory	Last Reported for 2020			N	37.37963	-121.9717
RCRAInfo	RCRA	CAT000623983	Other	Inactive ( )			N		
RCRAInfo	RCRA	CAR000278176	LQG	Active (H )			N	37.379603	-121.971696

## Facility Address

System	Status	Identifier	Facility Name	Facility Address	Facility County
FRS		110001168254	MICREL SYNERGY SEMICONDUCTOR	3250 SCOTT BOULEVARD, SANTA CLARA, CA 95054	Santa Clara County
EIS	CAA	19490911	APPLE, INC	3250 SCOTT BOULEVARD, SANTA CLARA, CA 95054	Santa Clara County
EIS	CAA	1278911	MICREL SYNERGY SEMICONDUCTOR	3250 SCOTT BOULEVARD, SANTA CLARA, CA 95054	Santa Clara County
TRI	EP313	95051NTRSL3250S	APPLE INC	3250 SCOTT BLVD, SANTA CLARA, CA 95054	Santa Clara County
RCRAInfo	RCRA	CAT000623983	APPLE INC	3250 SCOTT BLVD, SANTA CLARA, CA 95054	Santa Clara County
RCRAInfo	RCRA	CAR000278176	APPLE INC	3250 SCOTT BLVD, SANTA CLARA, CA 95054	Santa Clara County

## Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
No data records returned			

## Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
EIS	1278911	334413	Semiconductor and Related Device Manufacturing
EIS	19490911	334413	Semiconductor and Related Device Manufacturing
TRI	95051NTRSL3250S	334111	Electronic Computer Manufacturing
TRI	95051NTRSL3250S	334413	Semiconductor and Related Device Manufacturing
RCRAInfo	CAR000278176	334111	Electronic Computer Manufacturing
RCRAInfo	CAT000623983	334111	Electronic Computer Manufacturing

## Facility Tribe Information

Reservation Name ↑ Tribe Name ↑ EPA Tribal ID ↑ Distance to Tribe (miles) ↑

No data records returned

## Enforcement and Compliance

### RCRA (Hazardous Waste (Resource Conservation and Recovery Act ) Compliance Pipeline (Compliance Monitoring >> Violations >> Enforcement Actions) (10 Years)

This table shows how violations relate to compliance monitoring (CM) activities and enforcement. Currently available for RCRA only. Full CM history available below.

There are no relationships to display in the RCRA Compliance Pipeline table for this facility. Scroll down to view compliance monitoring history.

### Compliance Monitoring History

Last 5 Years

Status ↑	Source ID ↑	System ↑	Activity Type ↑	Compliance Monitoring Type ↑	Lead Agency ↑	Date ↑	Finding (if applicable) ↑
▼	▼	▼	▼	▼	▼		
RCRA	CAR000278176	RCRAInfo/ICIS	Inspection/Evaluation	Compliance Evaluation Inspection	EPA	08/17/2023	Undetermined, Agency May Still be Determining
RCRA	CAR000278176	RCRAInfo		Compliance Evaluation Inspection	State	12/23/2020	No Violations Or Compliance Issues Were Found
RCRA	CAR000278176	RCRAInfo		Compliance Evaluation Inspection	State	10/26/2020	No Violations Or Compliance Issues Were Found

Entries in *italics* are not included in ECHO's Compliance Monitoring Activity counts because they are not compliance monitoring strategy

<<https://www.epa.gov/compliance/compliance-monitoring-programs>> activities or because they are not counted as inspections within EPA's Annual Results <<https://www.epa.gov/enforcement/enforcement-data-and-results>>.

## Compliance Summary Data

Status ↑	Source ID ↑	Current SNC (Significant Noncompliance)/HPV (High Priority Violation) ↑	Current As ↑	Qtrs with NC (Noncompliance) (of 12) ⓘ ↑	Data Last Refreshed ↑
RCRA	CAT000623983	No	12/16/2023	0	12/15/2023

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
RCRA	CAR000278176	No	12/16/2023	0	12/15/2023

## Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
RCRA (Source ID: CAR000278176)		01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23	07/01-09/30/23	10/01-12/31/23
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
	Violation	Agency											
RCRA (Source ID: CAT000623983)		01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23	07/01-09/30/23	10/01-12/31/23
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
	Violation	Agency											

## Informal Enforcement Actions

Last 5 Years

Statute    System    Source ID    Type of Action    Lead Agency    Date

No data records returned

*Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.*

## Formal Enforcement Actions

Last 5 Years

Statute    System    Law/Section    Source ID    Type of Action    Case No.    Lead Agency    Case Name    Issued/Filed Date    Settlements/Actions    Settlement/Action Date    Federal Penalty Assessed    State/Local Penalty Assessed    Penalty Amount Collected    SEP Value    Comp Action Cost

No data records returned

## Environmental Conditions

### Watersheds ▲

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))

WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))

State Water Body Name (ICIS (Integrated Compliance Information System))

Beach Closures Within Last Year

Beach Closures Within Last Two Years

Pollutants Potentially Related to Impairment

Watershed with ESA (Endangered Species Act) listed Aquatic Species?

No data records returned

## Assessed Waters From Latest State Submission (ATTAINS)

State Report Cycle Assessment Unit ID Assessment Unit Name Water Condition Cause Groups Impaired Drinking Water Use Ecological Use Fish Consumption Use Recreation Use Other Use

No data records returned

## Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
Ozone	Yes	1-Hour Ozone (1979); 8-Hour Ozone (1997); 8-Hour Ozone (2008); 8-Hour Ozone (2015)	No	--
Lead	No	--	No	--
Particulate Matter	Yes	PM-2.5 (2006)	No	--
Carbon Monoxide	No	--	Yes	Carbon Monoxide (1971)
Sulfur Dioxide	No	--	No	--

## Pollutants

### Toxics Release Inventory History of Reported Chemicals Released or Transferred in Pounds per Year at Site

Air Pollutant Report TRI Pollution Prevention Report

TRI Facility ID	Year	Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Disposal to Land	Total On-Site Releases	Total Off-Site Transfers
95051NTRSL3250S	2020	260	--	0	--	--	260	14,743

## Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
N-Methyl-2-pyrrolidone	--	--	15,003	--	--	--	--	--	--	--

## CWA (Clean Water Act) Discharge Monitoring Report (DMR) Pollutant Loadings

DMR and TRI Multi-Year Loading Report

NPDES ID



Description



No data records returned

## e-Manifest Hazardous Waste History (Public)

### Hazardous Waste Shipped in Kilograms by Year (Through 9/16/2023)

Source ID	Waste Description	2020	2021	2022	2023
CAR000278176	Hazardous Waste	230,206	473,088	270,737	61,496
CAR000278176	Acute Hazardous Waste	0	0	0	0
CAR000278176	Pharmaceutical Hazardous Waste	0	0	0	0

Pharmaceutical Hazardous Waste is excluded from the Hazardous and Acute Hazardous Waste quantities shown above because Pharmaceutical Waste is managed under 40 CFR part 266 subpart P <<https://www.epa.gov/hwgenerators/final-rule-management-standards-hazardous-waste-pharmaceuticals-and-amendment-p075>>.

## Community


## Environmental Justice

This section shows indexes from EJScreen, EPA's screening tool for environmental justice (EJ) concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. Use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the EJScreen home page.

<https://echo.epa.gov/detailed-facility-report?fid=110001168254>

## EJScreen Indexes Shown

Compare to  ☒ US ☐ State

Index Type  ☐ Environmental Justice ☒ Supplemental







## Related Reports

EJScreen Community Report

### Download Data

Census Block Group ID: 060855052022

US (Percentile)

Supplemental Indexes	Facility Census Block Group	1-mile Max
Count of Indexes At or Above 80th Percentile	2	4
Particulate Matter 2.5	38	48
Ozone	62	73
Diesel Particulate Matter	72	 81
Air Toxics Cancer Risk	58	71
Air Toxics Respiratory Hazard Index	78	78
Toxic Releases to Air	34	40
Traffic Proximity	78	78
Lead Paint	50	 86
Risk Management Plan (RMP) Facility Proximity	70	75
Hazardous Waste Proximity	 80	 90
Superfund Proximity	 82	 91
Underground Storage Tanks (UST)	58	58
Wastewater Discharge	63	76

☐ Facility 1-mile Radius ☐ Facility Census Block Group



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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

2019 Incident Report

Santa Clara City Fire Department

777 BENTON ST.

Santa Clara, CA 95050

408-615-4900

user@ci.santa-clara.ca.us

Printed: 02/13/2020 09:51:11

Number of Pages: 3

Incident Report  
2019-1904285 -000**Basic**

Alarm Date and Time	08:40:52	Saturday, June 1, 2019
Arrival Time	08:44:44	
Controlled Date and Time		
Last Unit Cleared Date and Time	09:17:33	Saturday, June 1, 2019
Response Time	0:03:52	
Priority Response	Yes	
Completed	Yes	
Fire Department Station	09	
Shift	B	
Incident Type	422 - Chemical spill or leak	
Aid Given or Received	N - None	
Alarms	1	
Action Taken 1	80 - Information, investigation & enforcement, other	
Casualties	No	
Apparatus - Suppression	2	
Personnel - Suppression Personnel	4	
Hazardous Material Released	0 - Special hazmat actions required or spill >= 55 gallons	
Property Use	629 - Laboratory or science laboratory	
Location Type	Address	
Address	3250 SCOTT BL	
City, State Zip	SANTA CLARA, CA 95050	
Latitude	37.379521	
Longitude	-121.97163	

**Situation**

Initial Dispatch Code	ALARM
Final Dispatch Code	ALARM
Incident Delay	0 - No Delay
Incident Reported By	1 - No - I Did Not Check
Response Type	3 - Code 3
Critical Incident	No

**Hazmat**

Area Affected	1 - Square Feet
Hazmat Action Taken 1	34 - Investigate
Cause of Release	1 - Intentional
Disposition	1 - Completed by fire service only

**Hazmat Chemicals**

Chemical Name	Hazardous Material
---------------	--------------------

**Apparatus - E99**

Apparatus ID	E99
Response Time	0:03:52
Apparatus Dispatch Date and Time	08:40:52 Saturday, June 1, 2019
En route to scene date and time	08:42:25 Saturday, June 1, 2019

Santa Clara City Fire Department

777 BENTON ST.

Santa Clara, CA 95050

408-615-4900

user@ci.santa-clara.ca.us

Printed: 02/13/2020 09:51:11

Number of Pages: 3

Incident Report  
2019-1904285 -000**Apparatus - E99**

Apparatus Arrival Date and Time	08:44:44	Saturday, June 1, 2019
Apparatus Clear Date and Time	09:17:26	Saturday, June 1, 2019
Apparatus priority response	Yes	
Number of People	3	
Apparatus Use	Suppression	
Apparatus Type	11 - Engine	
First Arriving Unit	Yes	
Personnel 1	4062 - Cantanho, Trevor	
	Position: DE	
Personnel 2	6448 - Lerner, Lukas	
	Position: FF	
Personnel 3	5747 - Carter, Gail	
	Position: DE	

**Apparatus - H99**

Apparatus ID	H99	
Response Time	0:04:03	
Apparatus Dispatch Date and Time	08:40:52	Saturday, June 1, 2019
En route to scene date and time	08:42:44	Saturday, June 1, 2019
Apparatus Arrival Date and Time	08:44:55	Saturday, June 1, 2019
Apparatus Clear Date and Time	09:17:33	Saturday, June 1, 2019
Apparatus priority response	Yes	
Number of People	1	
Apparatus Use	Suppression	
Apparatus Type	93 - HazMat unit	
Personnel 1	5751 - Gandy, Aaron	
	Position: DE	

**Authority**

Reported By	4062 - Cantanho, Trevor
	06:39:02 Sunday, June 2, 2019
Officer In Charge	- ,
Reviewer	- ,

**Narratives**

Narrative Name	New Narrative
Narrative Type	Incident
Narrative Date	06:34:18 Sunday, June 2, 2019
Author	4062 - Cantanho, Trevor
Author Rank	DE
Author Assignment	1
Narrative Text	At 0840 hours on Saturday June 1, 2019 we were dispatched to a chemical spill/leak. Two units were assigned to this incident. Four personnel responded. We arrived on scene at 0844 hours and cleared at 0917 hours. The incident occurred at 3250 SCOTT BL, SANTA

*Santa Clara City Fire Department*

*777 BENTON ST.*

*Santa Clara, CA 95050*

*408-615-4900*

*user@ci.santa-clara.ca.us*

*Printed: 02/13/2020 09:51:11*

*Number of Pages: 3*

Incident Report  
2019-1904285 -000

Narratives
------------

CLARA. The local station is 09. The general description of this property is laboratory or science laboratory. Other special haz mat actions were also taken. No mutual/automatic aid was given or received.

Alarm number 1904285 has been assigned to this incident.

E99 and H99 responded to a gas leak at . E99 and H99 arrived on scene and found nothing showing and an evacuation in progress. ERT was on scene and they stated that they had been purging their lines but did not put their system in test. The alarm was for .5 parts per billion that was going through their scrubbers. The chemicals were Silane and Phosphine. This release was a normal process for them, and there were no further actions needed by Fire or Hazmat.

E99 cleared.

E99B

A/C T.Cantanh

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End of Report

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

2021 Hazardous Materials Spill Report  
2021 Incident Report

## Governor's Office Emergency Services Hazardous Materials Spill Report

DATE: 04/30/2021 TIME: 1014	RECEIVED BY:	CONTROL#: Cal OES - 21-2288 NRC -
--------------------------------	--------------	---

**1.a. PERSON NOTIFYING Cal OES:**

1. NAME:	2. AGENCY:	3. PHONE#:	4. Ext:	5. PAG/CELL:
	Santa Clara FD			

**1.b. PERSON REPORTING SPILL (If different from above):**

1. NAME:	2. AGENCY:	3. PHONE#:	4. Ext:	5. PAG/CELL:
----------	------------	------------	---------	--------------

**2. SUBSTANCE TYPE:**

2. a. SUBSTANCE:	b.QTY:	Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
1. Phosphine Gas	=	0.001145	Lbs.	VAPOR		No	No
2.	=					No	No
3.	=					No	No

**g. DESCRIPTION:** While purging a cylinder the release occurred, material vented into the atmosphere inside a structure, a scrubber system apparently malfunctioned and the material entered the buildings ventilation system, approximately 50 employees were evacuated and have been allowed to return, FD and Responsible Party handled the containment and no clean up required.

<b>h. STOPPAGE/CONTAINMENT INVOLVED:</b> Stopped, Contained	<b>i. WATER</b> <b>STOPPAGE/CONTAINMENT INVOLVED:</b> No	<b>j. WATERWAY:</b>	<b>k. DRINKING WATER IMPACTED</b>
--	--	---------------------	-----------------------------------

**m. KNOWN IMPACT**  
None

**3. a. INCIDENT LOCATION:** 3250 Scott Blvd, Aria

b. CITY:	c. COUNTY:	d. ZIP:	
----------	------------	---------	--

Santa Clara	Santa Clara County	95054	BAY AREA AQMD
-------------	--------------------	-------	---------------

**4. INCIDENT DESCRIPTION:**

a. DATE:	b. TIME (Military):	c. SITE:	d. REPORTED CAUSE
04/30/2021	0828	Merchant/Business	Human Error

<b>e. INJURIES</b> No	<b>f. FATALITY</b> No	<b>g. EVACUATION</b> Yes Evacs #: 50	<b>h. CLEANUP BY:</b> N/A
--------------------------	--------------------------	--	------------------------------

**6. NOTIFICATION INFORMATION:**

a. ON SCENE:	b. OTHER ON SCENE:	c. OTHER NOTIFIED:
Fire Dept.		

d. ADMIN. AGENCY: Santa Clara City Fire Department

e. SEC. AGENCY: Santa Clara County Department of Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

Cal GEM:

RWQCB Unit:

2

**Cal OES Region:**

<input checked="" type="checkbox"/> AA/CUPA	<input checked="" type="checkbox"/> AIR RESOURCES BD	<input type="checkbox"/> CHP	<input type="checkbox"/> FEMA	<input type="checkbox"/> LDO	<input type="checkbox"/> USCG
<input checked="" type="checkbox"/> DTSC	<input type="checkbox"/> CALTRANS	<input type="checkbox"/> CSWC Managers	<input type="checkbox"/> FOOD & AG	<input type="checkbox"/> PARKS & REC	<input checked="" type="checkbox"/> Co/WP
<input checked="" type="checkbox"/> RWQCB	<input type="checkbox"/> CALFIRE	<input type="checkbox"/> DWP-DO	<input type="checkbox"/> LANDS	<input type="checkbox"/> PUC	<input type="checkbox"/> Co/Hlth
<input checked="" type="checkbox"/> US EPA	<input type="checkbox"/> Cal GEM	<input type="checkbox"/> DPR	<input type="checkbox"/> EDO	<input type="checkbox"/> SFM	<input type="checkbox"/> Co/E-Hlth
<input checked="" type="checkbox"/> USFWS	<input type="checkbox"/> COASTAL COM	<input type="checkbox"/> EB PARKS	<input type="checkbox"/> FDC	<input type="checkbox"/> UCSB	<input type="checkbox"/> Maritime
<input type="checkbox"/> DFW-OSPR	<input type="checkbox"/> CDPH-D.O.	<input type="checkbox"/> EMSA	<input type="checkbox"/> Cal OES REG	<input type="checkbox"/> BSEE	<input type="checkbox"/> DFW/OSPR/MSU

Photo Attachment:

<http://w3.calema.ca.gov/operational/mal haz.nsf/SpillAllDocs/197D45CF4CD38421882586C7005EC199?OpenDocument>

Santa Clara City Fire Department  
 777 BENTON ST.  
 Santa Clara, CA 95050  
 408-615-4900  
 user@ci.santa-clara.ca.us  
 Printed: 06/28/2023 09:31:47  
 Number of Pages: 4

Incident Report  
 2021-2103124 -000

### Basic

Alarm Date and Time	08:29:29	Friday, April 30, 2021
Arrival Time	08:33:48	
Controlled Date and Time		
Last Unit Cleared Date and Time	13:03:56	Friday, April 30, 2021
Response Time	0:04:19	
Turnout Time	0:01:30	
Priority Response	Yes	
Completed	Yes	
Fire Department Station	09	
Shift	B	
Incident Type	422 - Chemical spill or leak	
Aid Given or Received	N - None	
Alarms	1	
Action Taken 1	41 - Identify, analyze hazardous materials	
Action Taken 2	42 - Hazmat detection, monitoring, sampling, & analysis	
Casualties	No	
Apparatus - Suppression	3	
Personnel - Suppression Personnel	7	
Hazardous Material Released	0 - Special hazmat actions required or spill >= 55 gallons	
Property Use	629 - Laboratory or science lablaboratory	
Location Type	Address	
Address	3250 SCOTT BL	
City, State Zip	SANTA CLARA, CA 95050	
Latitude	37.379521	
Longitude	-121.97163	

### Situation

Initial Dispatch Code	ALARM
Final Dispatch Code	ALARM
Incident Delay	0 - No Delay
Incident Reported By	1 - No - I Did Not Check
Response Type	3 - Code 3
Critical Incident	No

### Person Involved - [REDACTED]

Involvement Code	[REDACTED]
Last Name	[REDACTED]
First Name	[REDACTED]
Street Address	[REDACTED]
City, State Zip	[REDACTED]
Phone	[REDACTED]

### Hazmat

Inside/On Structure Flag	1
Area Affected	1 - Square Feet
Area Affected Units	500
Cause of Release	1 - Intentional
Factors Contributing To Release 1	00 - Other factor contributed to release

Santa Clara City Fire Department  
 777 BENTON ST.  
 Santa Clara, CA 95050  
 408-615-4900  
 user@ci.santa-clara.ca.us  
 Printed: 06/28/2023 09:31:47  
 Number of Pages: 4

Incident Report  
 2021-2103124 -000

### Hazmat

Disposition 1 - Completed by fire service only

### Hazmat Chemicals

Chemical Name Phosphine  
 DOT ID 23 - Division 2.3 Gases toxic by inhalation  
 CAS Registration 7803-51-2  
 Chemical ID 2199  
 Container Type 12 - Cylinder  
 Estimated Container Capacity 1145  
 Released Units 22 - Pounds  
 Physical State When Released 3 - Gas  
 Released Into 1 - Air

### Apparatus - E99

Apparatus ID E99  
 Response Time 0:04:19  
 Apparatus Dispatch Date and Time 08:29:29 Friday, April 30, 2021  
 En route to scene date and time 08:31:37 Friday, April 30, 2021  
 Apparatus Arrival Date and Time 08:33:48 Friday, April 30, 2021  
 Apparatus Clear Date and Time 09:50:56 Friday, April 30, 2021  
 Apparatus priority response Yes  
 Number of People 3  
 Apparatus Use Suppression  
 Apparatus Type 11 - Engine  
 First Arriving Unit Yes  
 Personnel 1 4062 - Cantanho, Trevor  
 Position: DE  
 Amount 1: \$3.00  
 Personnel 2 5748 - Cole, Michael  
 Position: DEP  
 Personnel 3 6225 - Marrone, Phillip  
 Position: FFP

### Apparatus - H99

Apparatus ID H99  
 Response Time 0:04:35  
 Apparatus Dispatch Date and Time 08:29:29 Friday, April 30, 2021  
 En route to scene date and time 08:31:48 Friday, April 30, 2021  
 Apparatus Arrival Date and Time 08:34:04 Friday, April 30, 2021  
 Apparatus Clear Date and Time 13:03:55 Friday, April 30, 2021  
 Apparatus priority response Yes  
 Number of People 1  
 Apparatus Use Suppression  
 Apparatus Type 93 - HazMat unit  
 Personnel 1 5751 - Gandy, Aaron  
 Position: DE  
 Amount 1: \$1.00

Santa Clara City Fire Department  
 777 BENTON ST.  
 Santa Clara, CA 95050  
 408-615-4900  
 user@ci.santa-clara.ca.us

Incident Report  
 2021-2103124 -000

Printed: 06/28/2023 09:31:47  
 Number of Pages: 4

#### Apparatus - E98

Apparatus ID	E98
Response Time	0:09:52
Apparatus Dispatch Date and Time	08:46:33 Friday, April 30, 2021
En route to scene date and time	08:48:03 Friday, April 30, 2021
Apparatus Arrival Date and Time	08:56:25 Friday, April 30, 2021
Apparatus Clear Date and Time	09:37:08 Friday, April 30, 2021
Apparatus priority response	Yes
Number of People	3
Apparatus Use	Suppression
Apparatus Type	11 - Engine
Personnel 1	7225 - Vo, Trung Position: FF Amount 1: \$3.00
Personnel 2	2170 - Siu, Ken -t Position: DEP
Personnel 3	4075 - Price, Brian - w Position: CA

#### Authority

Reported By	4062 - Cantanho, Trevor 18:48:16 Saturday, May 1, 2021
Officer In Charge	- ,
Reviewer	- ,

#### Narratives

Narrative Name	New Narrative
Narrative Type	Incident
Narrative Date	18:36:04 Saturday, May 1, 2021
Author	4062 - Cantanho, Trevor
Author Rank	DE
Author Assignment	1
Narrative Text	<p>At 0829 hours on Friday April 30, 2021 we were dispatched to a chemical spill/leak. Three units were assigned to this incident. Seven personnel responded. We arrived on scene at 0833 hours and cleared at 1303 hours. The incident occurred at 3250 SCOTT BL, SANTA CLARA. The local station is 09. The general description of this property is laboratory or science lablaboratory. The primary task(s) performed at the scene by responding personnel were to identify and analyze hazardous materials. Other special haz mat actions were also taken. No mutual/automatic aid was given or received.</p> <p>Alarm number 2103124 has been assigned to this incident.</p> <p>E99 responded to ARIA for a toxic gas alarm. E99 arrived on scene and was met by ERT staff. They stated that they had a Phosphine sensor alarm in their lab. They were purging the lines for a phosphine gas cabinet. The phosphine had gone through the scrubbers and back in through the air handling system and into the lab area, separate from the gas cabinet.</p>

Santa Clara City Fire Department  
777 BENTON ST.  
Santa Clara, CA 95050  
408-615-4900  
user@ci.santa-clara.ca.us  
Printed: 06/28/2023 09:31:47  
Number of Pages: 4

Incident Report  
2021-2103124 -000

### Narratives

Area sensors in the lab indicated that there was a peak reading of 32 PPB. Measurements were made after the incident and a determination was made that there was a .001145 lbs. of phosphine that had been purged. We determined that the readings in the lab were accurate based on the curvature of the graph. Multiple area sensors all reading phosphine gas were in alarm.

The crew from E99 and H99 set up the command structure and requested E98 code 2 for backup entry and decontamination. A ICS 208 was started and is available at [REDACTED] for full documentation of the incident.

There were no exposures to the gas. The ventilation system was increased to exhaust the gas out of the facility as fast as possible. We decided that nonintervention was the safest course of action due to there was no current leak at the time, and the PPB was diminishing. Once the area sensors read 0 PPB we made a joint entry with our sensors and an ERT member from ARIA with one of their sensors. It was determined that there wasn't any phosphine left in the facility and it was clear to let employees back into the building.

ARIAs EHS staff was advised to contact CAL OES for their required notification. I contacted CAL OES to obtain an incident number 21-2288.

E99 cleared.

E99B  
A/C T.Cantanho

End of Report

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

FRS Facility - Public Report  
US EPA

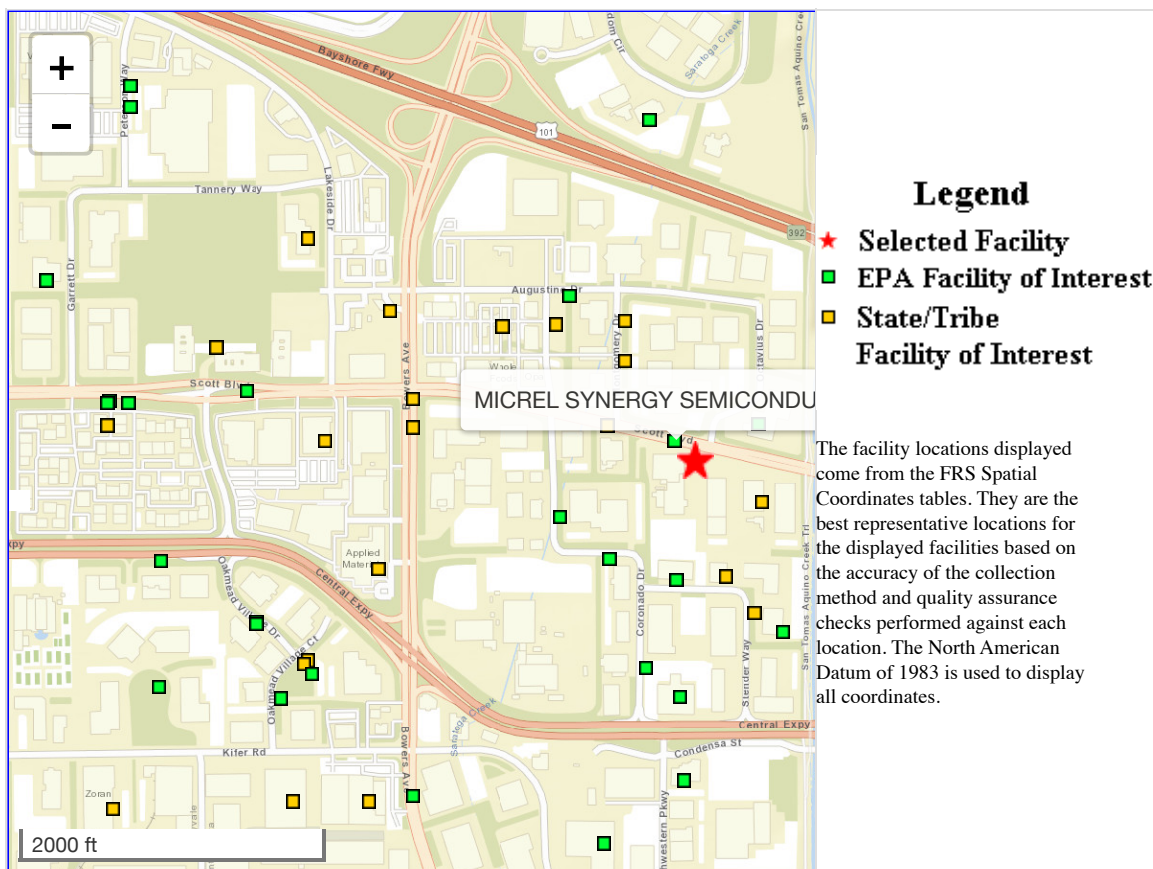
Related Topics: Envirofacts

FRS

## FRS Facility Detail Report

### MICREL SYNERGY SEMICONDUCTOR

**EPA Registry Id:** 110001168254  
3250 SCOTT BOULEVARD  
SANTA CLARA, CA 95054



### Facility Registry Service Links:

- Facility Registry Service (FRS) Overview
- FRS Facility Query
- FRS Organization Query
- EZ Query
- FRS Physical Data Model
- FRS Geospatial Model

[Report an Error](#)

## Environmental Interests

Information System	System Facility Name	Information System Id/Report Link	Environmental Interest Type	Data Source	Last Updated Date	Supplemental Environmental Interests:
EMISSION INVENTORY SYSTEM (EIS)	MICREL SYNERGY SEMICONDUCTOR	1278911	HAZARDOUS AIR POLLUTANT MAJOR	EIS	08/26/2021	
RESOURCE CONSERVATION AND RECOVERY ACT INFORMATION SYSTEM	APPLE INC	CAT000623983	UNSPECIFIED UNIVERSE (N)	RCRAINFO		
EMISSION INVENTORY SYSTEM (EIS)	APPLE, INC	19490911	AIR EMISSIONS CLASSIFICATION UNKNOWN	EIS	08/17/2022	
BIENNIAL REPORTERS	APPLE INC	CAR000278176	HAZARDOUS WASTE BIENNIAL REPORTER	RCRAINFO	12/31/2021	
TOXICS RELEASE INVENTORY SYSTEM	APPLE INC	95051NTRSL3250S	TRI REPORTER	TRIS	06/14/2022	
TOXICS RELEASE INVENTORY SYSTEM	APPLE, INC - SB01	9505WSBXXX325SC	TRI REPORTER	TRIS		
BIENNIAL REPORTERS	APPLE INC	CAT000623983	HAZARDOUS WASTE BIENNIAL REPORTER	RCRAINFO	12/31/2003	
RESOURCE CONSERVATION AND RECOVERY ACT INFORMATION SYSTEM	APPLE INC	CAR000278176	LQG (Y)	RCRAINFO		

**Additional EPA Reports:** MyEnvironment Enforcement and Compliance Site Demographics Facility Coordinates Viewer Environmental Justice Map Viewer Watershed Report

Standard Industrial Classification Codes (SIC)				
Data Source	SIC Code	Description	Primary	
TRIS	3674	SEMICONDUCTORS AND RELATED DEVICES		
Facility Codes and Flags				
EPA Region:	09			
Duns Number:				
Congressional District Number:	17			
Legislative District Number:				
HUC Code/Watershed:	18050003 / COYOTE			
US Mexico Border Indicator:	NO			
Federal Facility:	NO			
Tribal Land:	NO			
Alternative Names				
Alternative Name	Source of Data			
HARRIS SEMICONDUCTOR	AIRS/AFS			
SYNERGY SEMICONDUCTOR	RCRAINFO			
APPLE INC	RCRAINFO			
HARRIS/INTERSIL INC	TRI REPORTING FORM			
Organizations				
Affiliation Type	Name	DUNS Number	Information System	Mailing Address
PARENT COMPANY	APPLE INC		EIS	
OWNER	JENAB FAMILY TRUST		RCRAINFO	View
OWNER	JENAB FAMILY 1997 TRUST		RCRAINFO	View

National Industry Classification System Codes (NAICS)						
Data Source	NAICS Code	Description	Primary			
RCRAINFO	334111	ELECTRONIC COMPUTER MANUFACTURING.				
RCRAINFO	334111	ELECTRONIC COMPUTER MANUFACTURING.				
EIS	334413	SEMICONDUCTOR AND RELATED DEVICE MANUFACTURING.				
TRIS	541715					
EIS	334413	SEMICONDUCTOR AND RELATED DEVICE MANUFACTURING.				
Facility Mailing Addresses						
Affiliation Type		Delivery Point	City Name	State	Postal Code	Information System
REGULATORY CONTACT		1 APPLE PARK WAY, M/S 319-5EHS	CUPERTINO	CA	95014	RCRAINFO
MAILING ADDRESS		ONE APPLE PARK WAY	CUPERTINO	CA	95014	TRIS
OWNER		1034 HIGHLAND CIRCLE	LOS ALTOS	CA	94024	RCRAINFO
OWNER		18 CYPRESS	KENTFIELD	CA	94904	RCRAINFO
FACILITY MAILING ADDRESS		1 APPLE PARK WAY, M/S 319 EHS	CUPERTINO	CA	95014	RCRAINFO
FACILITY MAILING ADDRESS		10381 ALPINE DRIVE	CUPERTINO	CA	95014	RCRAINFO
REGULATORY CONTACT		1 APPLE PARK WAY	CUPERTINO	CA	95014	RCRAINFO
Contacts						
Affiliation Type		Full Name	Office Phone	Information System		Mailing Address
PUBLIC CONTACT		KEN CLEMENS	4084505000	TRIS		
REGULATORY CONTACT		TOM HUYNH	669-276-0136	RCRAINFO		View
REGULATORY CONTACT		KEVIN SUNG	408-908-0167	RCRAINFO		View

[https://ofmpub.epa.gov/frs\\_public2/fii\\_query\\_dtl.disp\\_program\\_facility?p\\_registry\\_id=110001168254](https://ofmpub.epa.gov/frs_public2/fii_query_dtl.disp_program_facility?p_registry_id=110001168254)


OPERATOR	APPLE INC		RCRAINFO	
OPERATOR	APPLE INC		RCRAINFO	

Query executed on: DEC-25-2023

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**Additional information for CERCLIS or TRI sites:**

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- National Library of Medicine (NLM)  TOXMAP

Last updated on September 24, 2015

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

CalEPA DTSC  
Hazardous Waste Manifest Tracking System  
Public Reports

# Handler Profile

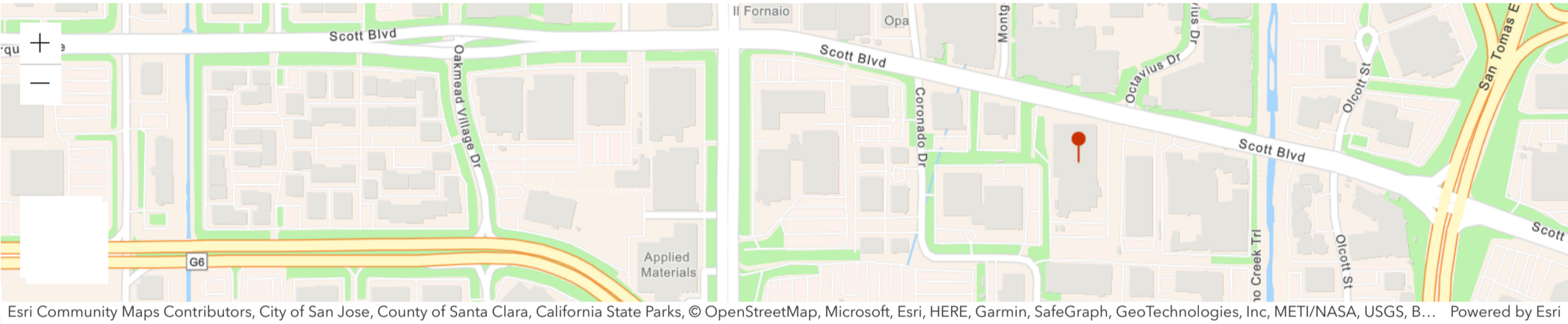
[Home](#) | [Search](#) | [Handler Profile](#)

Search for an ID Number

🔍

CAR000278176 - APPLE INC

Status: ACTIVE



ID Number Profile	
ID Number:	CAR000278176
Facility Name:	APPLE INC
ID Number Status:	ACTIVE
ID Type:	PERMANENT
ID Category:	FEDERAL
Entity Types:	GENERATOR
Issued Date:	12/13/2017
Last Updated:	8/21/2023

Facility Address
3250 SCOTT BLVD STE 100 SANTA CLARA, CA 95054 SANTA CLARA County (37.378926, -121.971852)

Mailing Address
ONE APPLE PARK WAY, M/S 319-3EHS CUPERTINO, CA 95014

Owner
APPLE, INC. ONE APPLE PARK WAY, M/S 319-3EHS CUPERTINO, CA 95014 (408) 996-1010

Contact
KEVIN SUNG ONE APPLE PARK WAY, M/S 319-3EHS CUPERTINO, CA 95014 (669) 227-9347

CalEnviroScreen 4.0 Results
Census Tract: 6085505202 (Population: 6936)

The results for each indicator range from 0-100 and represent the percentile ranking of census tract 6085505202 relative to other census tracts.

Overall Percentiles

CalEnviroScreen:	60
Pollution Burden:	87
Population Characteristics:	38
Environmental Effects	
Cleanup Sites:	100
Groundwater Threats:	98
Hazardous Waste:	98
Solid Waste:	95

NAICS Codes

334111	Electronic Computer Manufacturing
--------	-----------------------------------

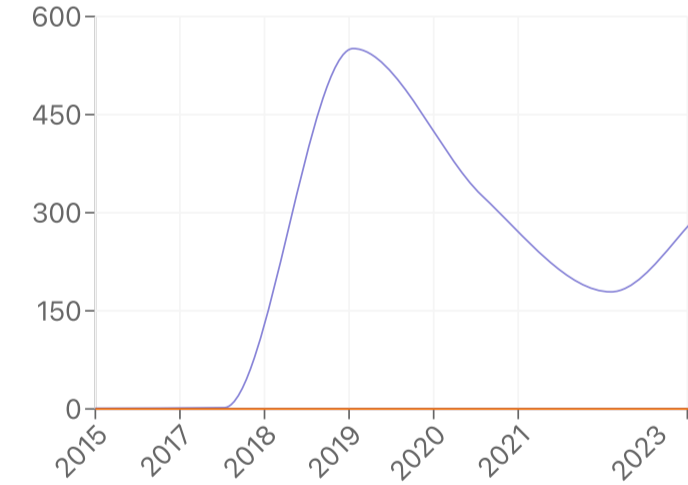
Annual ID Number Verification History

Year	Status	Method	VQ Number (eVQ)	Completion Date	Signed By
2023	COMPLETE	eVQ	20234	8/21/2023	KEVIN SUNG
2022	COMPLETE	eVQ	20224	8/31/2022	KEVIN SUNG
2021	COMPLETE	eVQ	20214	8/12/2021	KEVIN SUNG
2020	COMPLETE	eVQ	20204	10/15/2020	KEVIN SUNG
2019	COMPLETE	eVQ	20194	10/10/2019	KEVIN SUNG
2018	COMPLETE	eVQ	20184	12/13/2018	JOHN SHULL

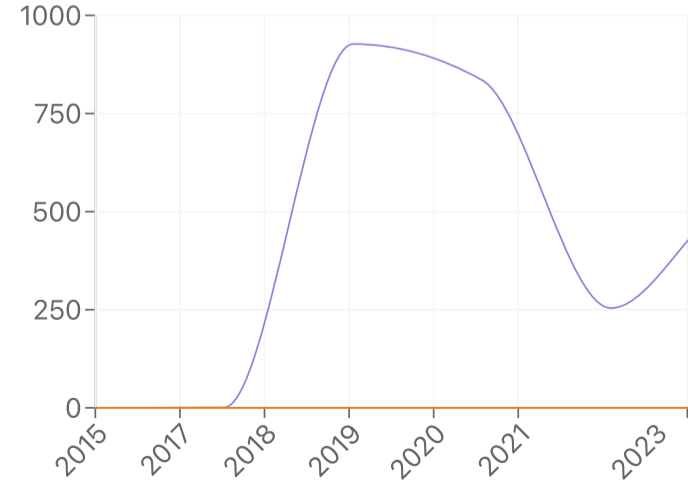
Page Size: 10 1 to 6 of 6 Page 1 of 1

Manifests

Manifest Per Year by Handler Type



Tonnage Handled Per Year by Handler Type



Manifest Counts and Total Tonnage

Export CSV

Generator		Transporter		TSDF	
Year	Count	Tons	Count	Tons	Count

2023	366	469.72904	0	0	0	0
2022	331	478.14107	0	0	0	0
2021	335	522.11862	0	0	0	0
2020	179	254.1565	0	0	0	0
2019	326	835.07228	0	0	0	0
2018	551	926.93736	0	0	0	0
2017	2	1.16	0	0	0	0
2015	1	0.175	0	0	0	0

Waste Code Matrix >

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# Handler Profile

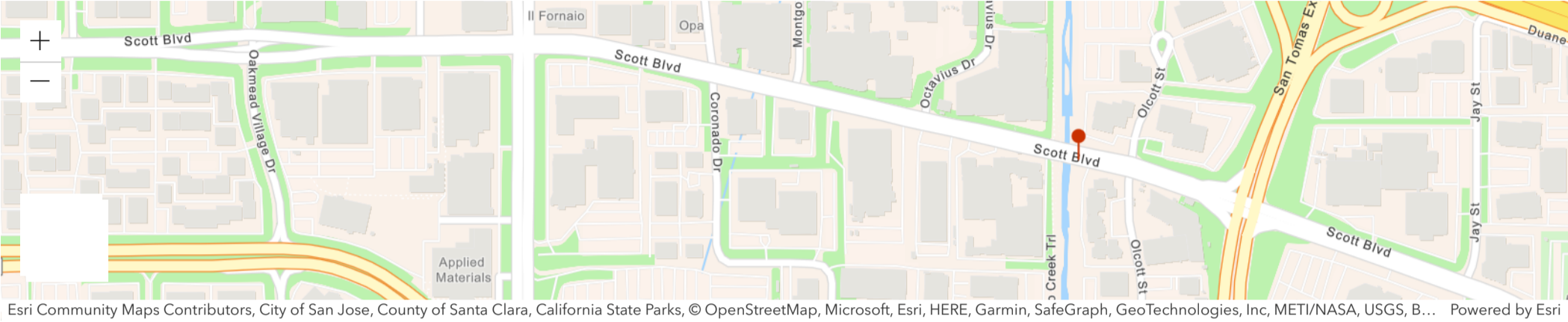
[Home](#) | [Search](#) | [Handler Profile](#)

Search for an ID Number

🔍

CAT000623983 - APPLE INC

Status: INACTIVE



ID Number Profile

ID Number:

CAT000623983

Facility Name:

APPLE INC

ID Number Status:

INACTIVE (expired: 11/6/2020)

ID Type:

PERMANENT

ID Category:

FEDERAL

Entity Types:

GENERATOR

Issued Date:

7/23/1982

Last Updated:

8/12/2021

Facility Address

3250 SCOTT BLVD STE 100

SANTA CLARA, CA 95054

SANTA CLARA County

(37.379021, -121.968397)

Mailing Address

ONE APPLE PARK WAY, M/S 319-5EHS

CUPERTINO, CA 95014

Owner

**APPLE, INC.**

ONE APPLE PARK WAY, M/S 319-5EHS

CUPERTINO, CA 95014

(408) 908-0167

Contact

**KEVIN SUNG**

ONE APPLE PARK WAY, M/S 319-5EHS

CUPERTINO, CA 95014

(669) 227-9347

CalEnviroScreen 4.0 Results

Census Tract: 6085505202 (Population: 6936)

<https://hwts.dtsc.ca.gov/facility/CAT000623983>

The results for each indicator range from 0-100 and represent the percentile ranking of census tract 6085505202 relative to other census tracts.

Overall Percentiles

CalEnviroScreen:	60
Pollution Burden:	87
Population Characteristics:	38
Environmental Effects	
Cleanup Sites:	100
Groundwater Threats:	98
Hazardous Waste:	98
Solid Waste:	95

NAICS Codes

334111	Electronic Computer Manufacturing
--------	-----------------------------------

Annual ID Number Verification History

Year	Status	Method	VQ Number (eVQ)	Completion Date	Signed By
2021	COMPLETE	eVQ	20214	8/12/2021	KEVIN SUNG
2020	COMPLETE	eVQ	20204	10/15/2020	KEVIN SUNG
2019	COMPLETE	eVQ	20194	10/10/2019	KEVIN SUNG
2018	COMPLETE	eVQ	20184	12/13/2018	JOHN SHULL
2017	COMPLETE	eVQ	20174	8/4/2017	JOHN SHULL
2016	COMPLETE	eVQ	20164	8/18/2016	JOHN SHULL
2003	COMPLETE	PAPER		10/23/2003	
2002	COMPLETE	PAPER		11/27/2002	
2001	COMPLETE	PAPER		3/14/2002	
2000	COMPLETE	PAPER		3/14/2002	

Page Size: 10 1 to 10 of 13 Page 1 of 2

Manifests



Manifest Counts and Total Tonnage

Export CSV

Generator			Transporter		TSDF	
Year	Count	Tons	Count	Tons	Count	Tons
2018	1	12.51043	0	0	0	0
2017	208	316.868	0	0	0	0
2016	109	80.9529	0	0	0	0
2015	98	2411.6845	0	0	0	0
2014	3	6.8	0	0	0	0
2006	3	67.499	0	0	0	0
2004	1	0.32827	0	0	0	0
2003	9	14.73795	0	0	0	0
2002	9	15.68988	0	0	0	0
2001	15	23.54856	0	0	0	0
2000	13	34.08103	0	0	0	0
1999	10	27.79688	0	0	0	0
1998	10	22.72713	0	0	0	0
1997	10	17.50004	0	0	0	0
1996	2	1.21	0	0	0	0

Waste Code Matrix

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**MOTION FOR JUDICIAL NOTICE  
EXHIBIT**

**SECTION:**

Gjovik's Whistleblower  
Complaint to US EPA

US EPA's Receipt of Complaint

[Login](#) [Contact Us](#)

Your report has been successfully sent. Your confirmation is below.

## Report Environmental Violations - Submitted

Thank you for submitting information on a possible environmental violation. The information will be reviewed by EPA enforcement personnel.

This notice will be the only response you will receive regarding your submission. Due to the sensitive manner in which enforcement information must be managed by EPA, we cannot provide status reports or updates regarding any submission we receive through the Report Environmental Violations form.

[Back to Report Environmental Violations page](#)

## Report Confirmation

Received	Jun 12, 2023 at 12:34am EDT
Your Name	Ashley Gjovik
Your Email	ashleymgjovik@protonmail.com
Your Phone Number	4159646272
Suspected Violator's Name *	Apple Inc
Suspected Violation Location *	3250 Scott Blvd

Suspected Violation City *	Santa Clara
Suspected Violation State *	California
Suspected Violation ZIP Code *	95054
Responsible Party	Company
Is the suspected violation still occurring?	Yes
Date of Incident	
Characterized incident as:	
Intention *	Unknown
Violation Method *	Release
Affected Subject(s)	Land, Air, Worker, Documents

## RE: Severe Illness next to a Semiconductor Manufacturing Plant

---

From Sakow, Rick <Sakow.Rick@epa.gov>  
To Ashley Gjovik<ashleymgjovik@protonmail.com>  
CC Fong, Alison (she/her/hers)<fong.alison@epa.gov> ,  
Trombadore, Claire (she/her/hers)<Trombadore.Claire@epa.gov> , Lin, Sharon<Lin.Sharon@epa.gov> ,  
Lewis, Darice<Lewis.Darice@epa.gov> , R9LandSubmit<R9LandSubmit@epa.gov>  
Date Tuesday, June 20th, 2023 at 8:11 PM

---

Good afternoon Ashley,

I received your tip below and am responding to confirm receipt. I will review the materials in the Google Drive folder and in the other links you provided and will follow up in the coming days. Please feel free to contact me at the number below if you'd like to discuss.

Thank you,

-Rick

Rick Sakow, Manager  
Enforcement and Compliance Assurance Division  
Hazardous Waste and Chemicals Section  
U.S. Environmental Protection Agency, Region 9



[sakow.rick@epa.gov](mailto:sakow.rick@epa.gov)

---

**From:** Ashley M. Gjovik <[ashleymgjovik@protonmail.com](mailto:ashleymgjovik@protonmail.com)>  
**Sent:** Sunday, June 11, 2023 10:29 PM  
**To:** R9LandSubmit <[R9LandSubmit@epa.gov](mailto:R9LandSubmit@epa.gov)>  
**Subject:** Severe Illness next to a Semiconductor Manufacturing Plant

Hello,

I'd like to submit a complaint.

I also submitted it to the city government, and the complaint systems for CalEPA and US EPA. I'm also emailing it to TRI, CAA, and CERCLA as I believe the issues touch numerous departments.

The complaint is attached. Exhibits are here: <https://drive.google.com/drive/folders/1ND6hcHW8iCnX-zCm3511JDLzfQ-lizHK?usp=sharing>

Subject: a semiconductor manufacturing plant is operating without required permits <300 feet from large apartment complex; numerous code violations over seven years; numerous leaks/spills of 'very dangerous substances'; evidence of unlawful disposals and releases; evidence of RCRA non-compliance; evidence of new groundwater contamination; evidence of human injury and illness from emissions

Location: 3250 Scott Blvd Santa Clara CA | Responsible Party: Apple Inc

I also recently filed two historic reports to CalOES in order to capture two leaks/releases that were not previously reported, including phosphine and silane in 2019, and 260lbs of (now-banned) NMP in 2020. I believe your agency was notified last Thursday.

<https://w3.calema.ca.gov/Operational/MALHaz.NSF/SpillAllDocs/79B09C90D1E843A9882589C9000091E0?OpenDocument>

<https://w3.calema.ca.gov/Operational/MALHaz.NSF/SpillAllDocs/81CAD51F3ABACB5A882589C90070829D?OpenDocument>

Please let me know if you have any questions.

-Ashley

—

**Ashley M. Gjøvik, JD, PMP**

Director, The D&G Center for Reform

#1 415-964-6272

Sent with [Proton Mail](#) secure email.

**In the matter of:**

*3250 Scott Blvd.  
Santa Clara, California*

**COMPLAINT**

**Federal**

- The Occupational Safety and Health Act (1970)
- The Clean Air Act (1970)
- The Clean Water Act (1972)
- The Safe Drinking Water Act (1974)
- The Resource Conservation and Recovery Act (1976)
- The Toxic Substances Control Act (1976)
- Comprehensive Environmental Response, Compensation, and Liability Act (1980)
- Emergency Planning and Community Right-to-Know Act
- Pollution Prevention Act (1990)

**State of California**

- Cal. Code Regs., Title 22, Division 4.5
- Cal. Health and Safety Code, Ch.3.5 & 6.5
- Cal. Fire Code, Title 24, Part 9, Ch. 50
- Cal. Penal Code, § 372, Nuisance
- Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

**County of Santa Clara**

- Title B, Div. B11, Ch. II, §B11-6 Nuisance
- Title B, Div. B11, Ch. IV, Wastewater
- Title B, Div. B11, Ch. XII, Hazardous Materials
- Title B, Div. B11, Ch. XIV, Toxic Gas

**City of Santa Clara**

- §8 Ch.25 Waste & Ch. 30 Nuisance
- §13 Ch.10 Hazardous Materials & Ch.60 Hazards
- §18 Ch.48 “Light Industrial” Zoning Intent

*Potential RCRA § 7002(a)(1)(B) Action*

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**COMPLAINT ABOUT A SEMICONDUCTOR MANUFACTURING PLANT**

RE: 3250 SCOTT BLVD SANTA CLARA, CALIFORNIA

**Complaint & Request for Investigation**

To Whom It May Concern,

This complaint concerns a high-risk semiconductor manufacturing plant operating in a sensitive population in Santa Clara California. Over the last eight years, the operator of this plant appears to have been engaged in unauthorized storage and disposal of hazardous waste; unlawful disposal of hazardous waste into the air, sewers, and storm drains; repeated spills and leaks of ‘very dangerous substances’ (including into outdoor air); and apparent violations of RCRA/Right to Know and Proposition 65.

The operations at this plant have been registered as a “*Chemical Storage Facility, Hazardous Waste Onsite Treatment; Above Ground Petroleum Storage Tank; Hazardous Chemical Management; Hazardous Waste Generator; and RCRA Large Quantity Hazardous Waste Generator*” since June 22, 2015.<sup>1</sup> The plant is not registered with CalEPA for RCRA or as a ‘Treatment-Storage-Disposal Facility’ (TSDF). The city government also opted out of oversight by the Santa Clara County Department of Environmental Health, so the city Fire Department and local wastewater facility solely manage supervision. It appears there are no records of hazardous waste treatment inspections ever.

I believe the plant requires a Full Permit from DTSC. The current DTSC permit, if there was one, was inappropriate (a permissive Permit-by-Rule without rules or conditions) and expired in 2021. In 2022, the operator told the city Planning department the site is not a hazardous material/waste site (claiming it was not on Envirostor, even though it is, but marked as ‘inactive’).

SYNERGY SEMICONDUCTOR, INC. (71003503)		SIGN UP FOR EMAIL ALERTS	
3250 SCOTT BOULEVARD SANTA CLARA, CA 95054 SANTA CLARA COUNTY	SUPERVISOR: OFFICE:	CLEANUP BERKELEY	
SITE TYPE: TIERED PERMIT	CENSUS TRACT: CALENVIROSCREEN PERCENTILE SCORE:55-60%	6085505202	
<a href="#">Summary</a>   <a href="#">Activities</a>   <a href="#">Site/Facility Docs</a>   <a href="#">Map</a>   <a href="#">Related Sites</a>   <a href="#">CalEnviroScreen</a>			
DOCUMENT DATE RANGE: <input type="text"/> TO <input type="text"/> <a href="#">Filter</a>			
<b>Completed Activities</b> <a href="#">HIDE DOCUMENTS &gt; 1 YEAR OLD</a>			
TITLE/DESCRIPTION	DOCUMENT TYPE	DATE COMPLETED	
Tiered Permitting Phase I Environmental Assessment Checklist	Phase 1	11/22/2016	

**Site Information**  
**CLEANUP STATUS**  
**INACTIVE - NEEDS EVALUATION AS OF**  
**SITE TYPE:** TIERED PERMIT  
**NATIONAL PRIORITIES LIST:** NO  
**ACRES:** NONE SPECIFIED  
**APN:** NONE SPECIFIED  
**CLEANUP OVERSIGHT AGENCIES:**  
 NONE SPECIFIED

<sup>1</sup> CalEPA CERS, <https://siteportal.calepa.ca.gov/nsite/map/results/detail/385316>

<sup>2</sup> Envirostor, DTSC ID 71003503, [https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=71003503](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=71003503)

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**IMMINENT AND SUBSTANTIAL ENDANGERMENT<sup>3</sup>**

The plant in this complaint is only 273 feet from a large apartment complex (1,800+ units with 2,000-6,000 tenants). It is also 800 feet from the exposed San Tomas Aquino Creek waterway, which flows to the San Francisco Bay. The groundwater under the plant and flowing south/southwest under the apartments is shallow at only 6-10 feet below ground. The apartments included ‘fresh air vents’, which appear to have intake fans on the roof of the building that pulls outdoor air (including factory exhaust) into the HVAC for the apartment units.<sup>4</sup>

The apartment complex next to the manufacturing plant is the “Santa Clara Square Apartments.”<sup>5</sup> There is a large grocery store 1,000 feet away from the factory. The factory is only 360 feet from an open-air children’s playground and less than 600 feet from three large, open-air community swimming pools.



After moving into this apartment complex in February 2020, I became mysteriously ill and severely disabled. Doctors documented slowed heart rate, arrhythmias, premature ventricular

<sup>3</sup> “For claims brought pursuant to RCRA § 7002(a)(1)(B), the statutory requirement that the plaintiff give “notice of the endangerment” implicitly requires that the plaintiff detail the specific endangerment situation that exists or may be created as a result of the defendant’s conduct or neglect.”

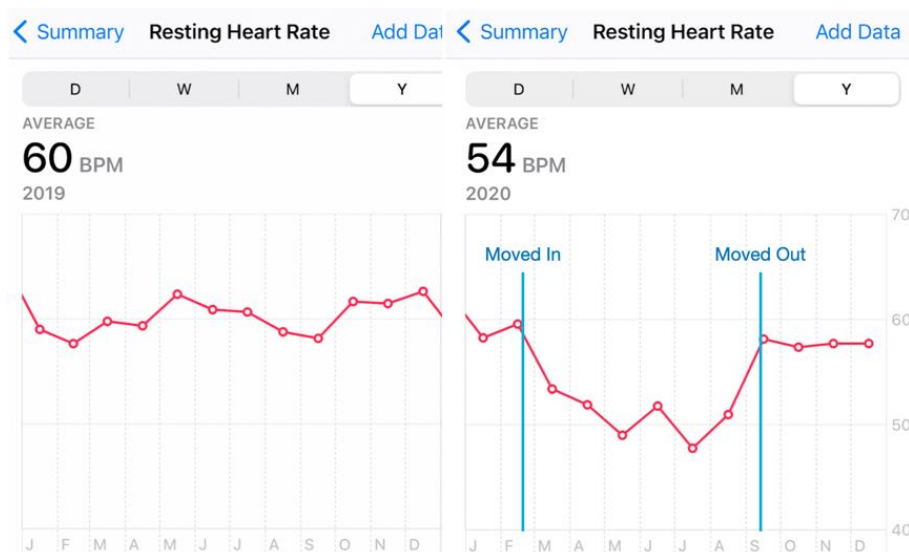
<sup>4</sup> The property manager of the apartments is The Irvine Company (signing DTSC agreements as “3255 Scott Boulevard, LLC”). Current activities at 3250 Scott were omitted from Environmental Impact Reports for the apartments. DTSC oversees the apartment complex as a CLRR cleanup site starting July 15, 2015. DTSC’s website noted that the clean-up was “fast-tracked.”

<sup>5</sup> based at 3320 Montgomery Drive (or 3255 Scott Blvd in contracts)

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contractions, volatile blood pressure, hypotension, hypertension, rashes and hives, and tumors – but no explanation of what caused the issues. I was fainting constantly and suffering from respiratory, GI, pericarditis-like, and MS-like symptoms. These symptoms often worsened around 7-8 am and 8-11 pm. In addition, every 3-4 weeks, I would wake up precisely at 3 am, choking and suffocated, nauseous and sweaty, dizzy and disoriented, and feeling like I was dying. The 3 am choking spells included symptoms that appeared to be heart failure, though two echocardiograms were okay.



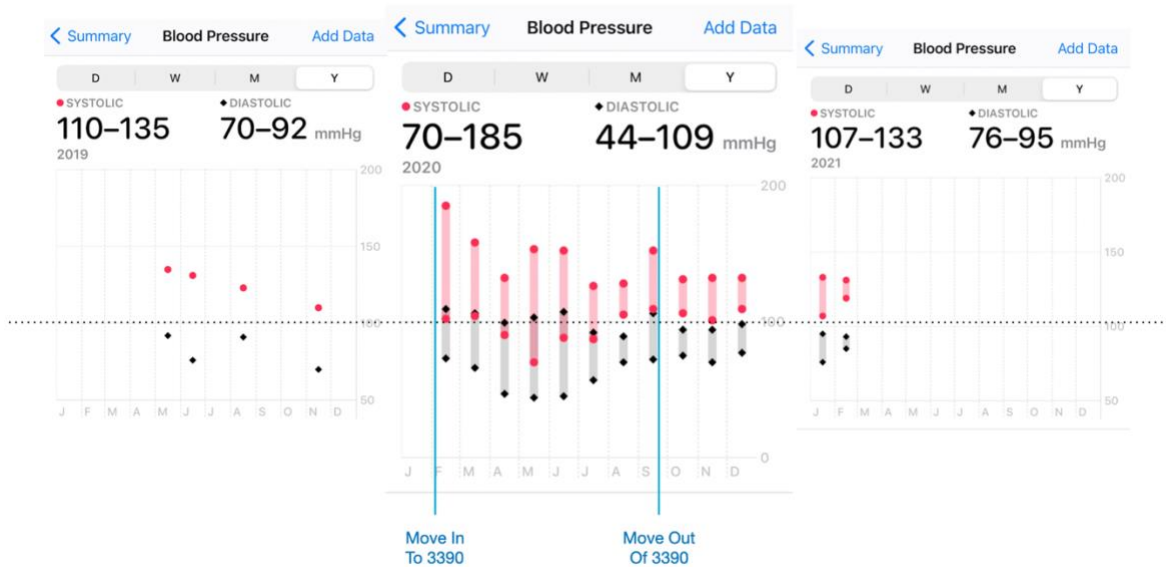
I went on short-term disability and was billed over \$100,000 in medical bills trying to figure out what was wrong with me. In September 2020, I discovered the apartment complex was a Brownfield site on a Superfund plume.<sup>6 7</sup> Within a week of vacating the location in October 2020, my disabling medical issues vanished. My heart rate and blood pressure stabilized, I was no longer dizzy or fainting, and I had no more 3 am choking spells. Over a few months, the rashes subsided, and the tumor shrank. Two chemical exposure doctors diagnosed my 2020 illness as acute solvent exposure.

<sup>6</sup> Santa Clara Square Apartments, Draft EIR, EKI/2013, [https://www.envirostor.dtsc.ca.gov/public/final\\_documents2?global\\_id=60002212&doc\\_id=60395782](https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002212&doc_id=60395782), Final EIR: Impact Sci/2015: <https://www.santaclaraca.gov/home/showdocument?id=17071>

<sup>7</sup> US EPA, Synertek, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0902620&doc=Y&colid=70135%C2%AEion=09&type=SC>

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In 2021, I was connected to six additional victims after I published an article about what happened to me and what I discovered about the contamination on-site.<sup>8</sup> Two women complained of health issues similar to mine. One of these women then contacted the local government and CalEPA DTSC, though nothing was done by these agencies, even with additional victims reporting illness.

Limited indoor air testing via a two-hour sorbent tube showed the presence of several chemicals inside my apartment which are known to be used at the semiconductor factory, including Acetonitrile, 1,2,4-TCB, Ethylbenzene, Hexane, Toluene, Ethyl acetate, 2-Methyl-1-propanol, Acetic Acid, Acetone, and Xylenes. There was also Freon 113, which had been released in vast quantities at the plant in the 1980s-1990s.

Dr. Harrison at UCSF Occupational Health Services instructed in his visit notes that *“there remains a concern about potential pathways for residential exposures, and these should be addressed by the county and State environmental agencies.”* (April 29, 2021). Dr. Harrison also directs the worker tracking and investigation program for the California Department of

<sup>8</sup> Ashley Gjovik, SF Bay View, <https://sfbayview.com/2021/03/i-thought-i-was-dying-my-apartment-was-built-on-toxic-waste/>

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Public Health. Stanford's Dr. Nadeau also saw me and diagnosed me with Multiple-Chemical Sensitivity Syndrome caused by solvent exposure.<sup>9</sup>

When I notified the property manager of unexplained spiking VOCs in my apartment that aligned with my symptoms, they said they sent PG&E to inspect the area. They said they were unconcerned because there was no evidence of 'gas leaks' or 'chemical spills,' thus 'no evidence suggesting that [my apartment] was unsafe.'<sup>10</sup> As we now know, multiple gas leaks and chemical spills occurred nearby at 3250 Scott Blvd.

While DTSC apparently never evaluated the exposure beyond the possibility of vapor intrusion from soil or groundwater, the apartment's property manager later hired an ex-DTSC employee who now does 'environmental public relations' to deal with me. Within only a couple of days, she even agreed with me that something was wrong. She wrote, "*It sure seems something is going on, but a lot of weird things too, and I can't quite tie it all together in my head*" and "*This all just confounds me, but it sure seems something is going on.*"<sup>11</sup>

In February of 2023, I discovered through public records requests that manufacturing activities were taking place next to my apartment at this 3250 Scott Blvd factory.<sup>12</sup> Upon further investigation, I discovered numerous noncompliance issues, known leaks/spills, and other chemical emissions. This factory is a direct vector for my chemical exposure and medical issues. Chemicals known to cause the symptoms I experienced are known to be on-site and even known to have leaked/spilled, and several of them were found in the indoor air of my apartment.

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<sup>9</sup> Solid Waste Disposal Act § 7002, 42 U.S.C.A. § 6972(a)(1)(B). *Fresh Air for the Eastside, Inc. v. Waste Management of New York, L.L.C.*, 405 F. Supp. 3d 408 (W.D. N.Y. 2019).

<sup>10</sup> See Appendix, Apartment, Page 15

<sup>11</sup> See Appendix, Apartment, Page 16

<sup>12</sup> Santa Clara city PRA: <https://santaclara.nextrequest.com/requests/20-508>; <https://santaclara.nextrequest.com/requests/23-127>; <https://santaclara.nextrequest.com/requests/23-517>; <https://santaclara.nextrequest.com/requests/23-518>; <https://santaclara.nextrequest.com/requests/23-548>

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**SITE USE ISSUES (PERMITTING & REPORTING)**

The operator appears to have some waste handling permits; however, they do not seem sufficient to cover the actual activities. Further, the operator repeatedly violated record-keeping and reporting requirements. It also appears possible that the operator does not have a valid or active waste handler permit at all despite handling hazardous waste, including treatment and disposal of hazardous waste.<sup>13</sup>

The facility is actively used for RCRA activities. There is storage of enormous amounts of chemicals, including corrosive, ignitable, reactive, toxic, explosive, oxidizers, pyrophoric, carcinogens, and ‘very dangerous substances.’ There is a tremendous amount of waste removed to treatment facilities; however, also a significant gap between disposal and inventories, implying a similarly large amount of waste is treated and disposed of on-site. HazMat/Haz Waste tanks, containers, drip pads, evaporation systems, abatement systems, scrubbers, neutralization systems, and exhaust vents are mentioned. However, there are only two regulatory filings about treatment over eight years.

The operator has used an “Acid Waste Neutralization system” since at least March 2016. The operator reported this system in a letter requesting a discharge to the local wastewater treatment facility. In this letter, the operator noted plans to process and discharge 3,000 gallons of a corrosive solution (hydrogen peroxide, acetic acid, and peroxyacetic acid) over two days via their “neutralization system.” It appears the operator has used the neutralization system for specific toxic substances and non-specific RCRA sources, such as spent solvent wastes.

Comparing Haz Mat to CERS, the operator has persistently failed to keep its chemical inventory current in CERS, omitting numerous extremely hazardous substances stored and used in large quantities. This includes chemicals like phosphine, silane, arsine, chlorine, phosphorus trichloride, hydrogen chloride, and other very dangerous chemicals, including those categorized as chemical weapons (i.e., DHS's ‘weapons of mass effect’).

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<sup>13</sup> RCRA § 7002(a)(1)(A)

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**3250 Scott Blvd: Rogue Chemicals; Risk Categories**

	<b>Release / Leak / Spill / Violation</b>	<b>California “Proposition 65”<sup>14</sup></b>	<b>US EPA “Extremely Hazardous Substances”<sup>15</sup></b>	<b>TSCA Review: “Unreasonable Risks to Public Health”<sup>16</sup></b>	<b>DHS Chemicals of Interest<sup>17</sup></b>
<b>Acrylonitrile</b>	Indoor Air	x (cancer)	x		x (flammable)
<b>Phosphine Gas</b>	Multiple Leaks		x		x (flammable; weapon of mass effect)
<b>Silane Gas</b>	Multiple Leaks		x		x (flammable)
<b>Chlorine Gas</b>	Code violation for not reporting		x		x (toxic; weapon of mass effect)
<b>Benzene</b>	Indoor Air	x (cancer)			
<b>Ethylbenzene</b>	Indoor Air	x (cancer)			
<b>Toluene</b>	Indoor Air	x (cancer)			
<b>1,2-Dichloroethylene</b>	Indoor Air; WW Filings				
<b>Xylenes</b>	Indoor Air; Urine				
<b>Trichloroethylene (TCE)</b>	Groundwater; Wastewater	x (cancer)		x (January 2023)	
<b>2-Methyl-1-propanol (NMP)</b>	Intentional Release	x (development)		x (December 2022)	
<b>1,2,4-Trichlorobenzene</b>	Indoor Air; Groundwater				

The operator’s building records show the installation of several hydride abatement systems in 2019-2022 designed for phosphine and silane. However, there are no records of off-site disposal of silane or phosphine, so gases must be treated and disposed of on-site. Haz Mat inventories from 2021 report storage of at least 1,664 cubic feet (160 lbs) of phosphine and 705 cubic feet (63 lbs) of silane. At least 208 feet of diluted phosphine gas is also reported in a closed-loop system.

<sup>14</sup> Proposition 65, <https://oehha.ca.gov/media/downloads/proposition-65/p65chemicalslistsingletable2021p.pdf>

<sup>15</sup> Appendix A to Part 355—The List of Extremely Hazardous Substances and Their Threshold Planning Quantities, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-355>

<sup>16</sup> TSCA, <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-existing-chemicals-under-tsca>

<sup>17</sup> DHS CISA: <https://www.cisa.gov/sites/default/files/publications/appendix-a-to-part-27-508.pdf>

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There have been at least two phosphine/silane leaks. The first was disclosed in response to a public records request to the Fire Department. On June 1, 2019, a phosphine and silane spill resulted in an evacuation and a city Haz Mat visit. The incident report noted that the alarm was triggered by silane and phosphine “in scrubbers.” This assumably refers to a treatment system and implies that the gas left a closed-loop system. It is unclear if the gases were exhausted to the outdoor air. This spill was never reported to DTSC, US EPA, or CalOES. I reported this spill to CalOES on June 8, 2023, as a historical report and to obtain more details about what occurred.<sup>18</sup>

Then, in 2021 there was apparently another phosphine leak. This one is only recorded in CalOES (reported by the Fire Department), but no records were released as part of the public records request, nor was the spill noted in any US EPA or CalEPA records.<sup>19</sup> The April 30, 2021 spill notes say phosphine gas was “*vented into the atmosphere.*” The report noted that the ‘scrubber system’ malfunctioned (again), and the toxic gas “*entered the ventilation system.*” This leak appears to be due to treatment failures, resulting in an evacuation and Haz Mat visit. Perhaps related – two weeks later, hazardous waste manifests show that 60 pounds of ‘vacuum filters contaminated with glass dust’ were sent for offsite incineration, implying there was some interior explosion related to the phosphine leak. Was there a phosphine explosion?

Silane (aka silicon tetrahydride) exposure can cause dizziness, asphyxiation, nausea, and burns.<sup>20</sup> Exposure to phosphine can cause difficulty breathing, suffocation, low blood pressure, vomiting, arrhythmia, blue skin, pulmonary edema, heart failure, coma, and death. Both gases are pyrophoric and can self-ignite in the air. An air concentration of 500 ppm (parts-per-million) of phosphine is lethal in 30 minutes, and 1000 ppm is fatal ‘after a few breaths.’<sup>21</sup> The half-life for these chemicals is 5-28 hours in the air, and the chemical is heavier than air, so it tends to pool instead of rise. In case of spills or leaks of either chemical, the area must be evacuated at

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<sup>18</sup> CalOES, 2023 for 2019, <https://w3.calema.ca.gov/Operational/MALHaz.NSF/SpillAllDocs/81CAD51F3ABACB5A882589C90070829D>

<sup>19</sup> CalOES, 2021, <https://w3.calema.ca.gov/operational/mal haz.nsf/f1841a103c102734882563e200760c4a/197d45cf4cd38421882586c7005ec199>

<sup>20</sup> Silane: <https://www.nj.gov/health/eoh/rtkweb/documents/fs/2768.pdf>

<sup>21</sup> Phosphine: <https://cameochemicals.noaa.gov/chemical/1322>, <https://www.epa.gov/sites/default/files/2016-09/documents/phosphine.pdf>

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least 300-1,000 feet ‘in all directions,’ but evacuation is 2,640-5,280 feet downwind for larger spills.<sup>22</sup> The apartments are only 273 feet away. Why weren’t the apartment residents notified?<sup>23</sup>

In 2020, I repeatedly complained to doctors that my 3 am choking spells included waking up with my right arm cold, blue, and tingling; gasping for air; low blood pressure, bradycardia, and arrhythmia. Doctors performed two echocardiograms to rule out heart failure (as these are symptoms of heart failure). A cloud of phosphine gas, perhaps auto-released at 3 am, could have induced heart failure despite no anatomical defect.

City records show a ‘Community Risk Reduction’ meeting with the operator in 2022 about the silane and phosphine gas systems, noting it was the first risk reduction review. [Note: silane and phosphine are extremely hazardous substances, and CESQT cannot govern treatment]. The Risk Reduction report includes notes that imply exhaust ducts were not labeled and were constructed with inappropriate materials; hazardous waste may have been disposed of improperly; there was no emergency shutdown automation if the containment systems failed; and there are concerns about the distance of solvent exhausts from nearby properties.

Additional building permits and records reflect several ‘Gas Bunkers’ and ‘Gas Abatement units.’ City records show frequent updates to vents, exhaust, and ductwork. In 2019, the city issued “compliance comments” for the site, apparently expressing concerns that the operator was uncertain where all its exhaust ducts were, where they went, and what was inside them. Further, the comments reflect concerns about backdrafts and exhaust vent heights on the roof related to air intake from the roof. [Note: a similar situation is an active safety issue at my Sunnyvale office with the same operator, the US EPA has ordered corrective actions.<sup>24</sup>]

Further, ignitable and reactive waste is supposed to be stored at least 50 feet from the property line. However, the operator’s Acid Neutralization Tank is only 38 feet from the building

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<sup>22</sup> Phosphine: <https://nj.gov/health/eoh/rtkweb/documents/fs/1514.pdf>

<sup>23</sup> When a § 7002 (a)(1)(B) claim is based on an endangerment to human health, the plaintiff must offer proof to establish that a risk of potential exposure and likelihood of potential injury exist, which constitute a sufficiently perilous condition necessary to satisfy the “may present an imminent and substantial endangerment to health” standard. To accurately assess whether a specific factual situation involving hazardous wastes poses a potential health risk, the National Academy of Sciences has established health risk assessment guidelines, which recommend a four-step analytical process: (1) hazard identification; (2) dose-response assessment; (3) exposure assessment; and (4) risk characterization.”

<sup>24</sup> US EPA, TRW Microwave, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0901181&doc=Y&colid=40417&region=09&type=SC>

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to its west. It also appears there is no Waste Minimization Plan, Recyclable Materials Biennial report, Waste Stream Analysis, Pollution Prevention (P2) reports, Treatment Unit permits, Leak Detection monitoring or controls, and no record of financial assurance for closure/post-closure or 3<sup>rd</sup> party liability insurance.

In February 2016, the city requested the operator participate in CalARP due to the tenant's "certain regulated chemicals above a reporting threshold" and asked the tenant to submit a Risk Management Plan. The plan was made available for comment physically at the Fire Department for 45 days. There have been no plans submitted since. The Clean Air Act requires these plans for 'facilities that use extremely hazardous substances,' which must be revised and resubmitted to EPA every five years.' Here, the plan was not submitted to EPA, and the plan did not even leave the physical premises of a local city Fire Department. The plan also should have been revised in 2021, two years ago.

In 2020, the factory registered the treatment and release of a highly regulated and now-banned chemical through 'point emissions' and 'on-site treatment' occurring in 2020. The facility did not report these activities to US EPA Toxic Release Inventory until June 2021. The operator said 2,342 pounds of the combustible solvent NMP (N-Methylpyrrolidone) was treated onsite, and 260 pounds of NMP was released onsite via "air emissions." The waste treatment method noted was "absorber," however, the standard treatment of NMP is offsite disposal "*in original containers*" and "*do not mix with other waste.*" NMP vapor is heavier than air, and the half-life in the air is estimated to be 5.2 hours. Safety sheets advise conducting downwind evacuation at least 1,000 feet in case of a spill. The apartments are 273 feet away. The Material Safety Data Sheet clearly states that NMP "*should not be released into the environment,*" "*do not let product enter drains,*" and instructs to "*do not breath vapors.*"<sup>25</sup> This release was never reported to CalOES, so I also reported the NMP release to CalOES on June 8, 2023.<sup>26</sup>

The TRI entry for the NMP also noted that 14,742 Pounds of the NMP was 'treated offsite' in 2020 and noted three Transporters who supposedly transported the chemical offsite.<sup>27</sup>

<sup>25</sup> Material Safety Data Sheet, NMP, <https://www.sigmaaldrich.com/US/en/sds/SIGALD/270458>

<sup>26</sup> CalOES, 2023 for 2020, <https://w3.calema.ca.gov/Operational/MALHaz.NSF/SpillAllDocs/79B09C90D1E843A9882589C9000091E0?OpenDocument>

<sup>27</sup> US EPA TRI, [https://enviro.epa.gov/enviro/tri\\_formr\\_v2.fac\\_list?rptyear=2020&facopt=dcn&fvalue=1320219310885&fac\\_search=fac\\_beginning](https://enviro.epa.gov/enviro/tri_formr_v2.fac_list?rptyear=2020&facopt=dcn&fvalue=1320219310885&fac_search=fac_beginning)

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However, the TRI entry does not note Manifest IDs and a thorough review of the Manifests for the site does not show any NMP. There are no Manifests for removing NMP between 2015 and the current day.<sup>28</sup> This data submitted to TRI appears to be falsified with no NMP actually moved offsite, or if it was, then without manifests.

The EPA banned NMP as a whole chemical under TSCA in December of 2022 after proposing a rule to ban NMP back in 2017.<sup>29</sup> There appears to be no plan on how the operator will dispose of this now-banned chemical, and in 2021, they reported over 190 gallons of it still onsite. The operator apparently previously treated and disposed of the NMP onsite – is that what they plan to do with the rest? Are they treating and disposing on-site now? Or perhaps they are using unauthorized Transporters without manifests?

In addition to my medical issues and other symptoms, extensive property damage was consistent with NMP exposure. My white linens (clothing, sheets, towels, etc.) turned yellow; many of my metals showed corrosion and reactions (jewelry, belts, shoes, clothing, etc.); and some of my plastics also turned yellow. NMP is known to attack copper and degrade certain plastics.<sup>30</sup> The yellowing of lines was not a stain; there was no way to get it out. A state Public Health medical doctor suggested it appeared to be accelerated ozone yellowing from a solvent or other VOC. *"NMP tends to oxidize in the presence of air, giving a yellow color."*<sup>31</sup>

The environmental consultant assigned to the site from October 2019-March 2020, signing hazardous waste manifests during that time, posted on his LinkedIn profile that during his time working at 3250 Scott, he worked to *"find cost savings for [his] client"* and *"c[a]me up with innovative methods for disposal of unique wastes."* What types of disposals did he "innovate" to cut costs? What kind of "innovation" did he undertake?

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<sup>28</sup> DTSC Haz Waste Tracking System, 3250 Scott CAR000278176, <https://hwts.dtsc.ca.gov/facility/CAR000278176> (2017-current); <https://hwts.dtsc.ca.gov/facility/CAT000623983> (2016-2021)

<sup>29</sup> US EPA, TSCA: NMP, <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/final-risk-evaluation-n-methylpyrrolidone-nmp>

<sup>30</sup> <https://incchem.org/documents/icsc/icsc/eics0513.htm>

<sup>31</sup> <https://chemistry.stackexchange.com/questions/165011/why-is-nmp-developing-a-yellow-color-after-distillation/165594>

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Despite a “Hazardous Waste Onsite Treatment” designation in CERS from the city agency, there is no RCRA permit, nor are there any apparent TTU permits or other treatment permits released in the public records request.<sup>32</sup> There are also no records of local agencies ever conducting a Hazardous Waste Onsite Treatment inspection – despite the use of at least an acid neutralization system, numerous gas abatement systems (and two silane and phosphine leaks from that system), and over ten thousand pounds of NMP treated on site.

The operator also has an “evaporation system” in its service yard. A building permit was requested in 2018 to install a new ‘HMR evaporation system’; however, it appears there was an evaporation system that also existed prior. The service yard is not contained; it is open-air with a non-enclosed canopy roof. There are also at least two ‘gas bunkers.’ It is unclear what work is done in the yard and if solvents are being evaporated into the open air.

There are significant gaps between the chemicals noted in CERS compared to those pointed out in the Haz Mat inventories and again compared to the manifests for disposal. There are a large number of chemicals that are listed in the inventories, yet with no record of any offsite disposal or offsite treatment. This infers that a substantial amount of hazardous waste is being treated and disposed of onsite. However, there was only one TRI filing ever – the NMP in

<sup>32</sup> Note: a more specific request, specifically requesting these documents, has been submitted to verify, but there are no responsive documents yet.

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2020. Why were no other chemicals recorded in TRI? Why wasn't the 2019 silane and phosphine leak reported? Why was this NMP release recorded in TRI? Was it only filed due to the solvent exposure issues reported by me and others?

**3250 Scott Blvd: Reporting Status of Rogue Chemicals**

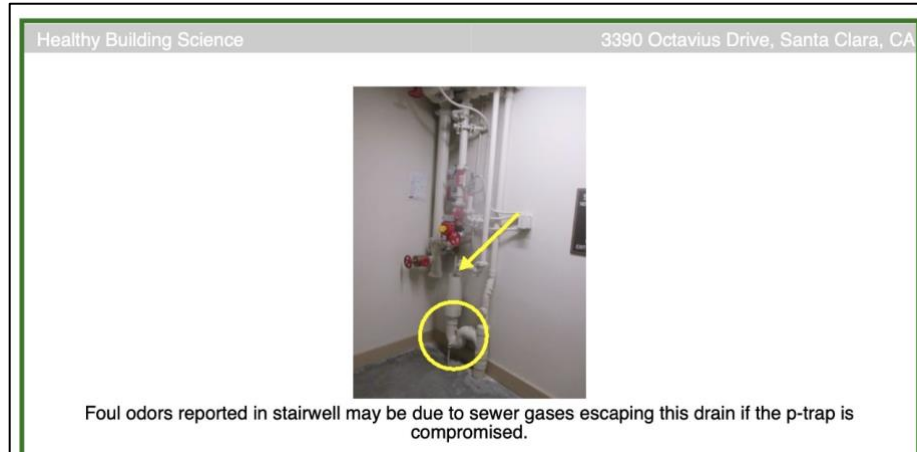
	<b>Release / Leak / Spill / Violation</b>	<b>CERS</b>	<b>"Inventory Form"</b>	<b>DTSC Manifests</b>
<b>Acrylonitrile</b>	Indoor Air	None	Listed	None
<b>Phosphine</b>	Multiple Leaks	None	Listed	None
<b>Silane</b>	Multiple Leaks	None	Listed	None
<b>Chlorine</b>	Code violation for not reporting	None	Listed	None
<b>Benzene</b>	Indoor Air	None	Unknown (Solutions)	Unknown (Solutions)
<b>Ethylbenzene</b>	Indoor Air	None	Unknown (Solutions)	Unknown (Solutions)
<b>Toluene</b>	Indoor Air	None	Unknown (Solutions)	Listed (5lb, 2021)
<b>Trichloroethylene (TCE)</b>	Groundwater; Wastewater	None	None	None
<b>1,2-Dichloroethylene</b>	Indoor Air; WW Filings	None	None	None
<b>Xylenes</b>	Indoor Air; Urine	None	Unknown (Solutions)	Listed (4lb, 2022)
<b>2-Methyl-1-propanol (NMP)</b>	Intentional Release	Listed	Listed	None
<b>1,2,4-Trichlorobenzene</b>	Indoor Air; Groundwater	None	Listed as Solution	None

Per documents from the local wastewater facility, the operator regularly flushes at least 40,000 gallons of water daily into wastewater lines and repeatedly fails to comply with permit requirements to frequently test the water to ensure it does not include chemical contamination above acceptable limits. The sewer lines from the plant flow near and around the apartment complex. In the fall of 2020, I reported possible vapor issues from the fire-riser drainage system

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outside my bedroom with a compromised p-trap and improperly installed plumbing in the bathroom resulting in unsealed sewer connections.<sup>33</sup>



*My Industrial Hygienist inspection (2020)*

The operator's semi-annual wastewater self-monitoring reports have included many contaminants, including solvents. The records show TCE was present in the operator's wastewater on at least August 2017 at 24 ug/L and February 2020 at 0.248 ug/L, per the lab reports. So far, no records show the operator's registering storage, use, or disposal of TCE at this site. Hence, it is unclear if the operator has additional chemicals on site that have not been registered in CERS or with the city. The new and increasing TCE in the nearby groundwater well may also suggest TCE leaks or dumping. In January 2023, the US EPA decided that TCE is now banned due to the whole chemical having an unreasonable risk to human health.<sup>34</sup>

The operator has filed several 'Toxic Organic Compound' worksheets with the regional wastewater facility reporting use and disposal of 1,2-dichloroethylene; however, there is no 1,2-dichloroethylene noted in either CERS or the Haz Mat inventory documents. Similarly, wastewater filings note 'off-site disposal' of the chemical, yet there were no manifests for 1,2-dichloroethylene. Similarly, Ethylbenzene is reported in wastewater filings noted as 'off-site

<sup>33</sup> Sewer Gas: An Indoor Air Source of PCE to Consider During Vapor Intrusion Investigations, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3740581/>

<sup>34</sup> US EPA, TSCA: TCE, <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-trichloroethylene-tce>

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disposal,' yet there are no manifests for Ethylbenzene. These chemicals were found inside my living room during indoor air testing.

Disposal manifests are also inconsistent, with several chemicals only disposed of once and never again. These are often very toxic chemicals that appear in inventory sheets in large quantities. This infers that either the waste is being stockpiled for years before disposal or the waste is being treated and disposed of on-site. Some examples of these chemicals include manifests for 23lbs of white phosphorus only in 2017; 44lbs yellow phosphorus only in 2020; 936lbs of hexane only in 2016; and 377lbs of ferric chloride and 5lbs of toluene only in 2021. Hexane and Toluene were found in my living room. The only offsite disposal of xylenes was four pounds in 2022. Xylenes were found in my living room and in my urine.

Manifests also reflect several concerning operational issues, including that the activated carbon onsite was only first replaced in December 2020 (six years after 2015). After 2020, following my complaints, the carbon was replaced for the first time and then every year after. Generally, activated charcoal for activities like this is replaced at least every six months – not every six years. Charcoal loses its ability to filter and must be replaced; otherwise, it no longer filters, and any chemical released is not abated before entering the open air.

	2015	2016	2017	2018	2019	2020	2021	2022
<b>Activated Charcoal (Carbon)</b>	0	0	0	0	0	630lbs	980lbs	1255lbs
<b>Roof HVAC Filters</b>	0	0	0	0	0	0	400lbs	0
<b>Vacuum Filters</b>	0	0	0	0	0	0	60lbs (with glass)	0

Similarly, the roof's HVAC filters' (400 pounds) were only first replaced in 2021. Was the carbon and filters only replaced because of my complaints? Were they used to the point that they were no longer filtering when I and others were ill?

The operator's RCRA Biennial reports claimed that equal amounts of waste were generated as was shipped offsite: 344 tons in 2017, 706 tons in 2019, and 491 tons in 2021. However, these reports do not match the total amounts reflected in the manifests. Further, the

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2021 Biennial report claimed no record of ‘Generated Waste Managed On-Site,’ yet the 2020 TRI report noted thousands of pounds of NMP managed onsite in 2020. How can the operator treat and dispose of thousands of pounds of hazardous waste onsite the same year the operator also claims it managed no hazardous waste on-site?

	2015	2016	2017	2018	2019	2020	2021	2022
<b>TRI – Treated Onsite</b>	0	0	0	0	0	2,341 pounds	0	0
<b>TRI – Disposed Offsite</b>	0	0	0	0	0	14,743 pounds	0	0
<b>TRI – Disposed Onsite</b>	0	0	0	0	0	260.17 pounds	0	0
<b>BR – Treated Onsite</b>	0	0		0		0		0
<b>BR – Disposed Offsite</b>	0	344.2 tons		705.8 tons		290.6 tons		0
<b>Manifests ID 1 – Disposed Offsite</b>	2411 tons	80.9 tons	316.9 tons	12.5 tons	0	0	0	0
<b>Manifests ID 2 – Disposed Offsite</b>	0	0	1.1 tons	927 tons	835 tons	254 tons	512 tons	441.5 tons

The Biennial source codes are also peculiar, including 2.6 tons of ‘spent acid’ in 2021 and 6.3 tons of ‘spent acid’ in 2019 were tagged as ‘off-specification, aged, or surplus organics.’ The waste is coded as ‘spent acid’ – implying tons of hazardous waste may have been stored so long it became ‘aged’ waste?<sup>35</sup> The operator also has mercury on-site and appears to have never reported it to the EPA.<sup>36</sup>

<sup>35</sup> US EPA, Biannual Reports,

<https://enviro.epa.gov/envirofacts/br/report?handlerId=CAR000278176&reportingYear=2017>,

<https://enviro.epa.gov/envirofacts/br/report?handlerId=CAR000278176&reportingYear=2019>,

<https://enviro.epa.gov/envirofacts/br/report?handlerId=CAR000278176&reportingYear=2021>

<sup>36</sup> US EPA, Mercury, <https://www.epa.gov/mercury/frequent-questions-about-epas-mercury-inventory-reporting-rule>

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The operator has already been cited for several violations of fire, hazmat, environment, and health and safety laws at the plant – with the Fire Department, city planning, and the county wastewater facility writing them up repeatedly for failure to keep proper documentation, file reports on time or at all, failure to track chemicals, and failure to have business plans or spill plans. The ‘root cause’ of issues for two of the violations was noted as “*negligence.*”<sup>37</sup>

Only two routine Fire Department/Haz Mat inspections are noted in CERS: in 2016 and 2020. There were apparently six violations arising out of those two inspections, and four violations from 2016 appear to have not been corrected until 2020. Further, the inspection in October of 2020 revealed several issues, including 1,700 gallons of diesel were ‘missing’ and the operator’s stockpile of chlorine gas (a weapon of mass effect) was not reported to regulators despite having over 200 pounds on site.

Many of these violations have sat open for over three years without apparent follow-up by the city agency. In addition, some of these violations show fundamental gaps in planning and oversight – such as concurrently using two EPA IDs for hazardous waste disposal for over three years, no hazardous material training, and failure to have a business license for the 3260 Scott office adjacent to 3250 Scott. Two inspections were noted in the US EPA RCRA system on 10/26/2020 and 12/23/2020. These dates match assessments conducted by the city of Santa Clara. Therefore, it appears the city believes the facility is registered as an RCRA site, even though it does not have a DTSC permit.

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<sup>37</sup> “Endangerment is ‘substantial,’ for purposes of RCRA’s imminent hazard citizen suit, where there is reasonable cause for concern that someone or something may be exposed to risk of harm by release, or threatened release, of hazardous substances in event remedial action is not taken.” Resource Conservation and Recovery Act of 1976, § 2(a)(1)(B), 42 U.S.C.A. § 6972(a)(1)(B). *Burlington Northern and Santa Fe Ry. Co. v. Grant*, 505 F.3d 1013 (10th Cir. 2007).

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**3250 Scott: Violations (Excerpt)**

	<b>City Fire Department</b>	<b>Other</b>
<b>2022</b>		
<b>2021</b>	<ul style="list-style-type: none"> <li>• Phosphine leak/spill</li> </ul>	
<b>2020</b>	<ul style="list-style-type: none"> <li>• Fire code violations</li> <li>• Using 2 EPA IDs</li> <li>• Inaccurate hazmat inventory information</li> <li>• No SPCC plan or training</li> <li>• No signature from supervisor on records</li> <li>• No spill prevention briefings</li> <li>• No tank facility plan</li> <li>• No business permit</li> </ul>	<ul style="list-style-type: none"> <li>• Wastewater testing violations</li> </ul>
<b>2019</b>	<ul style="list-style-type: none"> <li>• Phosphine &amp; silane leak/spill</li> </ul>	<ul style="list-style-type: none"> <li>• Wastewater testing violations</li> </ul>
<b>2018</b>		
<b>2017</b>		
<b>2016</b>	<ul style="list-style-type: none"> <li>• Fire code violation</li> <li>• CalASPA violation</li> <li>• Health &amp; Safety code violation</li> </ul>	<ul style="list-style-type: none"> <li>• Spilling cooling water solution into storm drains</li> </ul>
<b>2015</b>		<ul style="list-style-type: none"> <li>• City planning 'stop work' order due to construction without permits and failure to heed prior warnings</li> </ul>

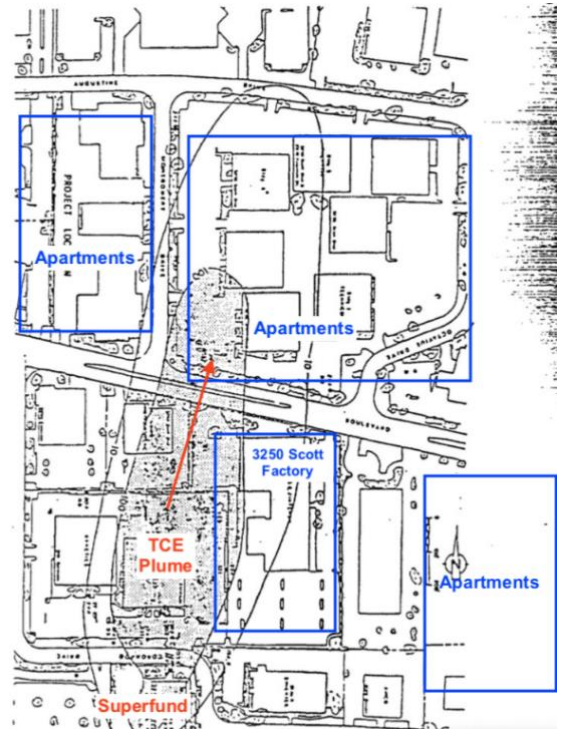
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**CONTAMINATION (SPILLS & CLEAN-UP)**

The groundwater at 3250 Scott is shallow and flows downgradient under the apartment complex. The US EPA Superfund site has a groundwater plume of TCE and other solvents that extends under the property.

Despite being located on a Superfund plume and having a history of waste disposal into the land/groundwater, there is no record of a clean-up assessment for the plant in Geotracker or Envirostor. There should be a remedial investigation into this site due to the US EPA TRI records of thousands of pounds of hazardous waste disposal into the ground and air due to the ‘acid pit’ due to the active Superfund plume and due to unstable solvents in the groundwater on site where existing groundwater wells show increasing solvents (i.e., 1,1-DCE, vinyl chloride, 1,2,4-TCB, TCE, and more).



As noted, the property also contained at least an “acid neutralization plant,” “acid waste tank,” and “acid neutralization pit.” All of these are for waste treatment and disposal. US EPA TRI records for the plant also note repeated disposal of hazardous waste via onsite ‘injection wells,’ “stack/point emissions,” “fugitive and non-point emissions,” “surface impound,” and “other disposal” from 1987-1991. The fugitive onsite air releases include 26,277 pounds of Freon 113, 260 pounds of sulfuric acid, and 250 pounds of phosphoric acid.<sup>38</sup> Both terms ‘injection wells’ and ‘surface impound’ infer, at the very least, some form of Underground Storage Tanks. The city also cited the operator for spilling cooling water into a storm drain in June 2016.

There appears to be insufficient oversight of the contamination at the apartments and 3250 Scott. For example, per EPA documents, one of the groundwater wells flagged for

<sup>38</sup> US EPA TRI, [https://enviro.epa.gov/enviro/tri\\_formr\\_v2.fac\\_list?rptyear=2020&facopt=dcn&fvalue=1320219310885&fac\\_search=fac\\_beginning](https://enviro.epa.gov/enviro/tri_formr_v2.fac_list?rptyear=2020&facopt=dcn&fvalue=1320219310885&fac_search=fac_beginning)

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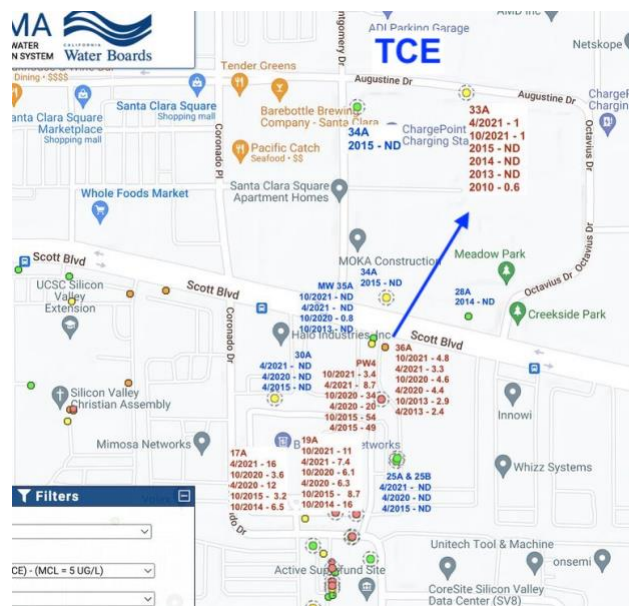
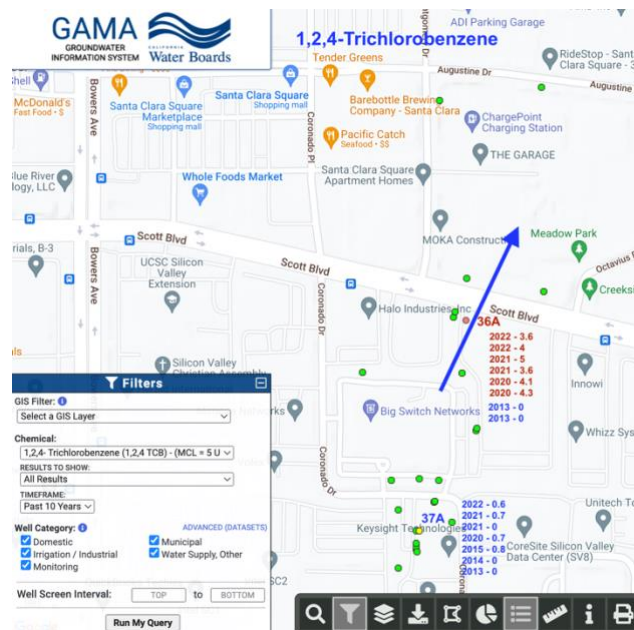
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increasing solvent contamination was accidentally buried under a sidewalk when the apartments were constructed in 2017 and required a specialty consultant to ‘find’ the missing well in 2022.<sup>39</sup> 40

Although the DTSC plan approved the apartments and claimed groundwater was not a concern, there is increasing contamination in at least three wells around the 3250 Scott property, the ‘missing’ well, a well on-site at 3250 Scott, and also another well near where my apartment was located that has new and increasing TCE from an unknown source – perhaps related to the TCE found in 3250 Scott’s wastewater.

Despite the US EPA overseeing vapor intrusion testing of buildings on the Superfund plume, the 3250 Scott building was somehow excluded without explanation, despite it being on the plume. I complained to US EPA and USACE about this months ago, but they have yet to respond. It seems incredibly dangerous not to evaluate 3250 Scott for vapor intrusion with all the highly reactive and explosive chemicals used at the plant.

The US EPA has also inexplicably disavowed the groundwater well on the 3250 Scott property as no longer associated with the plume and left the well unaccounted for, despite increasing contamination of 1,2,4-Trimethylbenzene that appears to potentially be caused by a recent spill or leak near the operator’s acid neutralization system. The operator’s Haz Mat inventories list at least one product that contains 1,2,4-TCB (Rinse Solvent T1100) and 1,2,4-TCB fumes were also found in my living room. The spill occurred at some point after 2014 and no later than 2020, a period in which the operator had control



<sup>39</sup> Geotracker, Synertek, [https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=SL721241222](https://geotracker.waterboards.ca.gov/profile_report?global_id=SL721241222)

<sup>40</sup> US EPA, Synertek, <https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0902620>

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of the property where the well was located. The well with this contaminated groundwater is only 150 feet upgradient from the apartment complex buildings.

Without RCRA oversight for eight years, multiple chemical spills and leaks have already impacted the surrounding community. There has already been harm which could have been prevented by compliance with regulations.

### **RESPONSIBLE PARTY**

The manufacturing plant is at 3250 Scott Blvd in Santa Clara. Informally, it is called Scott 1 and was known as Synergy Semiconductor prior.<sup>41</sup> The tenant and operator is Apple Inc which has code-named its involvement in project documents “Project Aria.” On November 8, 2016, the operator submitted a Phase 1 tiered permit application. However, on November 11, 2016, DTSC noted the application as a “Permit by Rule” despite high-risk activities, conflicting information being provided and no inspection. In addition, the operator’s responses (per a third-party geologist) in the application are not complete or accurate. Finally, no approval letter was even sent, nor were any instructions provided about the PBR if one was granted.

The November 22 2016, approval letter from DTSC noted that the information provided by the applicant would “be verified by DTSC through a site visit in the near future.” But, per DTSC this year, there was never any follow-up or further communication about the site after that letter. US EPA also claimed they have no records or knowledge of the site.

The records I was able to obtain reveal that the operator must have known about its RCRA and other environmental/safety responsibilities by at least 2016, yet continued to fail to meet its essential regulatory obligations or seek appropriate permits and oversight. The situation at hand exceeds the bounds of strict liability. The operator knew they caused harm and only attempted to cover up what they did while failing to take precautions to avoid future harm.

The plant operator has a long-time pattern and practice of noncompliance with local, state, and federal health/safety and environmental laws. The company even agreed to a consent decree with CalEPA DTSC in 2016 due to egregious violations of the Hazardous Waste Control Law for universal waste (§25100), including operating two off-book waste processing facilities

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<sup>41</sup> The active EPA ID is CAR000278176.

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that unlawfully processed over 2,000,000 pounds of universal waste. DTSC's complaint noted that the operator processed waste "*without informing the Department of the existence of [the] facility or complying with the Department's universal waste regulations.*" DTSC also complained that the operator had shipped hazardous waste as non-hazardous waste, used a Transporter not authorized to store or treat the operator's hazardous waste, and even violated international law by shipping unauthorized hazardous waste to Canada.<sup>42</sup>

The operator was also recently cited and fined in North Carolina for RCRA violations, including transporting and disposing of hazardous waste by unregistered Transporters and Treaters, failure to conduct proper waste determinations, failure to register as a Large Quantity Generator, failure to track hazardous waste transports with manifests, and failing to submit reports to federal and state regulators about hazardous waste activities onsite. North Carolina's Division of Waste Management found Apple's handling of hazardous waste was "*negligent*" with a major deviation from legal requirements and with a major risk of harm to human health and the environment.<sup>43</sup> There are many other incidents in California and other states as well.

I am a prior long-time employee of Apple Inc. I am a state and federal witness in several open investigations and cases against Apple for labor, fraud, and whistleblower retaliation violations –based on violations of health/safety and environmental laws related to the TRW Microwave Superfund site in Sunnyvale, California (my previous office). My reports to the US EPA about the property led to a mandatory inspection, numerous correction actions, and federally overseen testing and mitigations.<sup>44</sup> I was promptly and violently fired for snitching.<sup>45</sup> I also have open California Department of Labor Retaliation cases, including retaliation under Proposition 65.

As mentioned, I also lived in the apartment complex next to the plant in 2020. I continue to suffer from the chemical exposure at the apartments and my office. While the most severe issues seem to have been resolved, I now have asthma severe enough to require an inhaler. Much

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<sup>42</sup> California DTSC's lawsuit against Apple over universal waste and resulting consent agreement in 2016 can be found at *People of the State of California ex rel DTSC v Apple Inc.*, Case No. 16CV303579.

<sup>43</sup> North Carolina's lawsuit against Apple over Hazardous Waste Rules can be found at *In Re: Apple Computer Inc.*, NCR000149526, Docket #2017-04.

<sup>44</sup> US EPA, TRW, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0901181&doc=Y&colid=40417&region=09&type=SC>

<sup>45</sup> Index on Censorship, <https://journals.sagepub.com/doi/pdf/10.1177/03064220211068699>

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of my hair fell out, and I am still trying to regrow the bald patches. I have what appears to be permanent scar tissue on my skin from the chemical burns. I worry daily about my increased risk for cancer and disease due to the exposure. I also suffer severe PTSD from the experience. I will never be the same after what happened to me living next to 3250 Scott Blvd for eight months.

### **CONCLUSION & REQUEST**

I respectfully request an investigation and inspection. When I contacted US EPA and California DTSC earlier this year, they expressed no knowledge of the site. The site must be contacted about its lapsed and missing permits. I want professional inspectors to investigate this site. Does this site require an RCRA permit? What is occurring on-site? What is being released? Are testing and clean-up required? Have there been other spills and leaks?

Factories like that at 3250 Scott are supposed to properly manage their toxic chemicals and adequately track what is done with them to protect human health and the environment. Programs like Right to Know were intended to prevent chemical emergencies and ensure publicly available information about nearby hazardous substances and releases. These laws were created after deadly clouds of toxic fumes killed and disabled thousands of people in 1985.

Today, we have a factory releasing clouds of toxic chemicals around an apartment complex with thousands of people – at least some of whom became ill and disabled because of it. If the factory operator at 3250 Scott does not comply with RCRA laws and does not feel like it has to, then this operator is not incentivized to improve its environmental and health/safety performance. There is no deterrence effect to dissuade from engaging in risky and dangerous behavior. Every day the egregious misconduct is tolerated, the operator is further empowered to continue in their dangerous malfeasance.

I hope this complaint is found to justify an investigation as the situation is an ongoing threat to public health and the environment, the issues reflect persistent noncompliance by the operator, and those issues and noncompliance involve multiple agency jurisdictions. I also believe that some of this conduct may rise to criminal activity. Apple has clearly had knowledge

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of the imminent and substantial risks, yet has shown persistent reckless indifference for human life.<sup>46</sup>

In September 2020, I contacted Apple (my then-employer), informing them about the solvent exposure diagnosis and asking if they knew of conditions around my apartment complex, noting there appeared to be an Apple office next door at 3250 Scott. Apple's Real Estate EH&S team promptly contacted me and suggested I use a special type of paid time-off called "Extreme Condition Leave" to evacuate the area and move to a new apartment. (The leave was intended for natural disasters). I also warned Apple's in-house medical clinic that other Apple employees had also reported health issues at the apartments and suggested they screen for health issues at the location. Shortly after, I also reported CERCLA non-compliance at my office to the US EPA. Apple responded by harassing and firing me.<sup>47</sup>

Apple's known for two years what it has done but only cares about covering up its misconduct and silencing witnesses. The government must intervene to prevent further harm. I have additional concerns and extensive supporting evidence. Please feel free to contact me with any questions, for an interview, and to obtain additional documentation.



ASHLEY M. GJØVIK

Respectfully,

**Ashley M. Gjovik**

[ashleymgjovik@protonmail.com](mailto:ashleymgjovik@protonmail.com)

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<sup>46</sup> "Where it was shown in an RCRA criminal endangerment case that the defendant's employees had been exposed to toxic wastes while at work, the Tenth Circuit Court of Appeals, in affirming the defendant's conviction, held that evidence that the employees were suffering from psychoorganic syndrome as a result of the exposure, which could have impaired their mental faculties, was sufficient to meet the 'imminent danger of serious bodily injury' standard." *U.S. v. Protex Industries, Inc.*, 874 F.2d 740 (10th Cir. 1989).

<sup>47</sup> Gizmodo, <https://gizmodo.com/apple-wanted-her-fired-it-settled-on-an-absurd-excuse-1847868789>

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**3250 Scott: Concern Summary**

	<b>Human Health: Residential</b>	<b>Human Health: Non-Residential</b>	<b>Ecological Repairs &amp; Resource Restoration</b>
<b>Air (Outdoor)</b>	<ul style="list-style-type: none"> <li>• Prevent exposure to chemicals from exhaust vents</li> <li>• Prevent exposure to chemicals from waste processing</li> <li>• Notify community</li> </ul>	<ul style="list-style-type: none"> <li>• Prevent exposure to chemicals from exhaust vents</li> <li>• Prevent exposure to chemicals from waste processing</li> </ul>	n/a
<b>Air (Indoor)</b>	<ul style="list-style-type: none"> <li>• Prevent vapor intrusion from VOCs in groundwater to occupied buildings</li> <li>• Vapor intrusion testing</li> </ul>	<ul style="list-style-type: none"> <li>• Prevent vapor intrusion from VOCs in groundwater to occupied buildings</li> <li>• Prevent worker exposure</li> </ul>	n/a
<b>Groundwater</b>	<ul style="list-style-type: none"> <li>• Develop well monitoring plan to alert if contaminated groundwater has traveled downgradient under apartments</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluate groundwater contamination on-site</li> <li>• Prevent employee exposure to groundwater</li> <li>• Develop treatment plan, if applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Establish attainment levels &amp; attain levels in all groundwater on site, if appropriate</li> </ul>
<b>Surface Water</b>	<ul style="list-style-type: none"> <li>• Evaluate if any contamination of San Tomas Aquino Creek</li> </ul>		
<b>Soil</b>	<ul style="list-style-type: none"> <li>• Contain any contaminated soil to prevent exposure to apartment residents</li> </ul>	<ul style="list-style-type: none"> <li>• Perform soil testing and assessment</li> <li>• Prevent worker exposure to contaminated soil</li> </ul>	<ul style="list-style-type: none"> <li>• Cease all unauthorized land disposals</li> <li>• Prevent any contamination from leaching into groundwater</li> </ul>
<b>Waste</b>	<ul style="list-style-type: none"> <li>• Contain waste</li> <li>• Establish waste exposure monitoring (air monitoring, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Prevent employee exposure to waste</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluate contamination from acid pit, acid neutralization system, injection well disposal, point emissions, and other historic disposal</li> <li>• Develop clean-up plan for contamination, if applicable</li> </ul>

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**References**

**Appendixes**

Exhibits: Factory History <sup>48</sup>

Exhibits: Factory Operations <sup>49</sup>

Exhibits: Santa Clara Square Apartments <sup>50</sup>

**Complaint Submitted To**

California EPA; US EPA; Santa Clara Fire Department; Santa Clara Planning Division; Mayor Gillmor; Santa Clara County Department of Environmental Health; see associated cases below

**Associated Open Cases:**

U.S. Department of Labor: *Ashley Gjovik v Apple* (9-3290-22-051)

California Department of Labor: *Ashley Gjovik v Apple* (RCI-CM-842830)

US NLRB: *NLRB v Apple Inc*, Complainant Ashley Gjovik (32-CA-284428 & 32-CA-284441)

**Associated Investigations:**

U.S. EPA: Synertek Superfund (CAD990832735)

U.S. EPA: TRW Microwave Superfund (CAD009159088)

U.S. NLRB: 32-CA-282142, 32-CA-283161, & 32-CA-288816

U.S. SEC: 16304-612-987-465

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<sup>48</sup> Access: <https://drive.google.com/drive/folders/1ND6hcHW8iCnX-zCm3511JDLzfQ-IizHK?usp=sharing>

<sup>49</sup> Access: <https://drive.google.com/drive/folders/1ND6hcHW8iCnX-zCm3511JDLzfQ-IizHK?usp=sharing>

<sup>50</sup> Access: <https://drive.google.com/drive/folders/1ND6hcHW8iCnX-zCm3511JDLzfQ-IizHK?usp=sharing>